



Executive Committee

**Filed: 5/19/2009**

09600SB1384ham001

LRB096 08551 ASK 26908 a

1 AMENDMENT TO SENATE BILL 1384

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1384 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by  
5 changing Section 4.20 and by adding Section 4.30 as follows:

6 (5 ILCS 80/4.20)

7 Sec. 4.20. Acts repealed on January 1, 2010 and December  
8 31, 2010.

9 (a) The following Acts are repealed on January 1, 2010:

10 The Auction License Act.

11 The Illinois Architecture Practice Act of 1989.

12 The Illinois Landscape Architecture Act of 1989.

13 ~~The Illinois Professional Land Surveyor Act of 1989.~~

14 The Land Sales Registration Act of 1999.

15 The Orthotics, Prosthetics, and Pedorthics Practice  
16 Act.

1 The Perfusionist Practice Act.

2 ~~The Professional Engineering Practice Act of 1989.~~

3 The Real Estate License Act of 2000.

4 The Structural Engineering Practice Act of 1989.

5 (b) The following Act is repealed on December 31, 2010:

6 The Medical Practice Act of 1987.

7 (Source: P.A. 95-1018, eff. 12-18-08.)

8 (5 ILCS 80/4.30 new)

9 Sec. 4.30. Act repealed on January 1, 2020. The following  
10 Acts are repealed on January 1, 2020:

11 The Illinois Professional Land Surveyor Act of 1989.

12 The Professional Engineering Practice Act of 1989.

13 Section 10. The Professional Engineering Practice Act of  
14 1989 is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, 10,  
15 11, 14, 16, 17, 19, 21, 24, 26, 29, 31, 32, 33, 34, 36, 42 and  
16 43 and by adding Section 27.5 as follows:

17 (225 ILCS 325/3) (from Ch. 111, par. 5203)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 3. Application of the Act; Exemptions.

20 (a) Nothing in this Act shall be construed to prevent the  
21 practice of structural engineering as defined in the Structural  
22 Engineering Practice Act of 1989 or the practice of  
23 architecture as defined in the Illinois Architecture Practice

1 Act of 1989 or the regular and customary practice of  
2 construction contracting and construction management as  
3 performed by construction contractors.

4 (b) Nothing in this Act shall be construed to prevent the  
5 regular and customary practice of a private alarm contractor  
6 licensed pursuant to the Private Detective, Private Alarm,  
7 Private Security, Fingerprint Vendor, and Locksmith Act of  
8 2004.

9 (c) Nothing in this Act shall be construed to prevent a  
10 fire sprinkler contractor licensed under the Fire Sprinkler  
11 Contractor Licensing Act from providing fire protection system  
12 layout documents. For the purpose of this subsection (c), "fire  
13 protection system layout documents" means layout drawings,  
14 catalog information on standard products, and other  
15 construction data that provide detail on the location of  
16 risers, cross mains, branch lines, sprinklers, piping per  
17 applicable standard, and hanger locations. Fire protection  
18 system layout documents serve as a guide for fabrication and  
19 installation of a fire sprinkler system.

20 (d) A building permit for a building that requires a fire  
21 suppression system shall not be issued without the submission  
22 of a technical submission prepared and sealed by a licensed  
23 design professional. Fire protection system layout documents  
24 do not require an engineering seal if prepared by a technician  
25 who holds a valid NICET level 3 or 4 certification in fire  
26 protection technology, automatic sprinkler system layout. An

1 authority having jurisdiction may not accept fire protection  
2 system layout documents in lieu of technical submissions. Fire  
3 protection system layout documents may be submitted as  
4 supporting documents to supplement technical submissions.  
5 However, in the event the fire protection system layout  
6 documents materially alter the technical submissions, the  
7 authority having jurisdiction shall return both the fire  
8 protection layout documents and technical submissions to the  
9 licensed design professional for review.

10 (e) ~~(b)~~ Nothing in this Act shall prevent:

11 (1) Employees, including project representatives, of  
12 professional engineers lawfully practicing as sole owners,  
13 partnerships or corporations under this Act, from acting  
14 under the direct supervision of their employers.

15 (2) The employment of owner's representatives by the  
16 owner during the constructing, adding to, or altering of a  
17 project, or any parts thereof, provided that such owner's  
18 representative shall not have the authority to deviate from  
19 the technical submissions without the prior approval of the  
20 professional engineer for the project.

21 (3) The practice of officers and employees of the  
22 Government of the United States while engaged within this  
23 State in the practice of the profession of engineering for  
24 the Government.

25 (4) Services performed by employees of a business  
26 organization engaged in utility, telecommunications,

1 industrial, or manufacturing operations, or by employees  
2 of laboratory research affiliates of such business  
3 organization which are rendered in connection with the  
4 fabrication or production, sale, and installation of  
5 products, systems, or nonengineering services of the  
6 business organization or its affiliates.

7 (5) Inspection, maintenance and service work done by  
8 employees of the State of Illinois, any political  
9 subdivision thereof or any municipality.

10 (6) The activities performed by those ordinarily  
11 designated as chief engineer of plant operation, chief  
12 operating engineer, locomotive, stationary, marine, power  
13 plant or hoisting and portable engineers, electrical  
14 maintenance or service engineers, personnel employed in  
15 connection with construction, operation or maintenance of  
16 street lighting, traffic control signals, police and fire  
17 alarm systems, waterworks, steam, electric, and sewage  
18 treatment and disposal plants, or the services ordinarily  
19 performed by any worker regularly employed as a locomotive,  
20 stationary, marine, power plant, or hoisting and portable  
21 engineer or electrical maintenance or service engineer for  
22 any corporation, contractor or employer.

23 (7) The activities performed by a person ordinarily  
24 designated as a supervising engineer or supervising  
25 electrical maintenance or service engineer who supervises  
26 the operation of, or who operates, machinery or equipment,

1 or who supervises construction or the installation of  
2 equipment within a plant which is under such person's  
3 immediate supervision.

4 (8) The services, for private use, of contractors or  
5 owners in the construction of engineering works or the  
6 installation of equipment.

7 (f) ~~(e)~~ No officer, board, commission, or other public  
8 entity charged with the enforcement of codes and ordinances  
9 involving a professional engineering project shall accept for  
10 filing or approval any technical submissions that do not bear  
11 the seal and signature of a professional engineer licensed  
12 under this Act.

13 ~~(d) Nothing contained in this Section imposes upon a person~~  
14 ~~licensed under this Act the responsibility for the performance~~  
15 ~~of any of the foregoing functions unless such person~~  
16 ~~specifically contracts to provide it.~~

17 (Source: P.A. 91-91, eff. 1-1-00.)

18 (225 ILCS 325/4) (from Ch. 111, par. 5204)

19 (Section scheduled to be repealed on January 1, 2010)

20 Sec. 4. Definitions. As used in this Act:

21 (a) "Address of record" means the designated address  
22 recorded by the Department in the applicant's or licensee's  
23 application file or license file maintained by the Department's  
24 licensure maintenance unit. It is the duty of the applicant or  
25 licensee to inform the Department of any change of address, and

1 such changes must be made either through the Department's  
2 website or by directly contacting the Department.

3 (a-5) ~~(a)~~ "Approved engineering curriculum" means an  
4 engineering curriculum or program of 4 academic years or more  
5 which meets the standards established by the rules of the  
6 Department.

7 (b) "Board" means the State Board of Professional Engineers  
8 of the Department ~~of Professional Regulation, previously known~~  
9 ~~as the Examining Committee.~~

10 (c) "Department" means the Department of Financial and  
11 Professional Regulation.

12 (d) "Design professional" means an architect, structural  
13 engineer or professional engineer practicing in conformance  
14 with the Illinois Architecture Practice Act of 1989, the  
15 Structural Engineering Practice Act of 1989 or the Professional  
16 Engineering Practice Act of 1989.

17 (e) (Blank). ~~"Director" means the Director of Professional~~  
18 ~~Regulation.~~

19 (f) "Direct supervision/responsible charge" means work  
20 prepared under the control of a licensed professional engineer  
21 or that work as to which that professional engineer has  
22 detailed professional knowledge. The Department may further  
23 define this term by rule.

24 (g) "Engineering college" means a school, college,  
25 university, department of a university or other educational  
26 institution, reputable and in good standing in accordance with

1 rules prescribed by the Department, and which grants  
2 baccalaureate degrees in engineering.

3 (h) "Engineering system or facility" means a system or  
4 facility whose design is based upon the application of the  
5 principles of science for the purpose of modification of  
6 natural states of being.

7 (i) "Engineer intern" means a person who is a candidate for  
8 licensure as a professional engineer and who has been enrolled  
9 as an engineer intern.

10 (j) "Enrollment" means an action by the Department to  
11 record those individuals who have met the Department's ~~Board's~~  
12 requirements for an engineer intern.

13 (k) "License" means an official document issued by the  
14 Department to an individual, a corporation, a partnership, a  
15 professional service corporation, a limited liability company,  
16 or a sole proprietorship, signifying authority to practice.

17 (l) "Negligence in the practice of professional  
18 engineering" means the failure to exercise that degree of  
19 reasonable professional skill, judgment and diligence normally  
20 rendered by professional engineers in the practice of  
21 professional engineering.

22 (m) "Professional engineer" means a person licensed under  
23 the laws of the State of Illinois to practice professional  
24 engineering.

25 (n) "Professional engineering" means the application of  
26 science to the design of engineering systems and facilities

1 using the knowledge, skills, ability and professional judgment  
2 developed through professional engineering education, training  
3 and experience.

4 (o) "Professional engineering practice" means the  
5 consultation on, conception, investigation, evaluation,  
6 planning, and design of, and selection of materials to be used  
7 in, administration of construction contracts for, or site  
8 observation of, an engineering system or facility, where such  
9 consultation, conception, investigation, evaluation, planning,  
10 design, selection, administration, or observation requires  
11 extensive knowledge of engineering laws, formulae, materials,  
12 practice, and construction methods. A person shall be construed  
13 to practice or offer to practice professional engineering,  
14 within the meaning and intent of this Act, who practices, or  
15 who, by verbal claim, sign, advertisement, letterhead, card, or  
16 any other way, is represented to be a professional engineer, or  
17 through the use of the initials "P.E." or the title "engineer"  
18 or any of its derivations or some other title implies licensure  
19 as a professional engineer, or holds himself out as able to  
20 perform any service which is recognized as professional  
21 engineering practice.

22 Examples of the practice of professional engineering  
23 include, but need not be limited to, transportation facilities  
24 and publicly owned utilities for a region or community,  
25 railroads, railways, highways, subways, canals, harbors, river  
26 improvements; land development; stormwater detention,

1 retention, and conveyance, excluding structures defined under  
2 Section 5 of the Structural Engineering Practice Act of 1989  
3 (225 ILCS 340/5); irrigation works; aircraft and, airports;  
4 traffic engineering; ~~and landing fields;~~ waterworks, piping  
5 systems ~~and appurtenances,~~ sewers, sewage disposal works,  
6 storm sewer, sanitary sewer and water system modeling; plants  
7 for the generation of power; devices for the utilization of  
8 power; boilers; refrigeration plants, air conditioning systems  
9 and plants; heating systems and plants; plants for the  
10 transmission or distribution of power; electrical plants which  
11 produce, transmit, distribute, or utilize electrical energy;  
12 works for the extraction of minerals from the earth; plants for  
13 the refining, alloying or treating of metals; chemical works  
14 and industrial plants involving the use of chemicals and  
15 chemical processes; plants for the production, conversion, or  
16 utilization of nuclear, chemical, or radiant energy; forensic  
17 engineering, geotechnical engineering including, subsurface  
18 investigations; soil and rock classification, geology and  
19 geohydrology, incidental to the practice of professional  
20 engineering; geohydrological investigations, migration pathway  
21 analysis (including evaluation of building and site elements),  
22 soil and groundwater management zone analysis and design;  
23 energy analysis, environmental risk assessments, corrective  
24 action plans, design, remediation, protection plans and  
25 systems, hazardous waste mitigation and control, and  
26 environmental control or remediation systems; recognition,

1 measurement, evaluation and control of environmental systems  
2 and emissions; control systems, evaluation and design of  
3 engineered barriers, excluding structures defined under  
4 Section 5 of the Structural Engineering Practice Act of 1989  
5 (225 ILCS 340/5); modeling of pollutants in water, soil, and  
6 air; engineering surveys of sites, facilities, and topography  
7 specific to a design project, not including land boundary  
8 establishment; automated building management systems; control  
9 or remediation systems; computer controlled or integrated  
10 systems; automatic fire notification and suppression systems;  
11 investigation and assessment of indoor air inhalation  
12 exposures and design of abatement and remediation systems; or  
13 the provision of professional engineering site observation of  
14 the construction of works and engineering systems. In the  
15 performance of any of the foregoing functions, a licensee shall  
16 adhere to the standards of professional conduct enumerated in  
17 68 Ill. Adm. Code 1380.300. Nothing contained in this Section  
18 imposes upon a person licensed under this Act the  
19 responsibility for the performance of any of the foregoing  
20 functions unless such person specifically contracts to provide  
21 it. Nothing in this Section shall preclude an employee from  
22 acting under the direct supervision or responsible charge of a  
23 licensed professional engineer.

24 (p) "Project representative" means the professional  
25 engineer's representative at the project site who assists in  
26 the administration of the construction contract.

1 (q) "Registered" means the same as "licensed" for purposes  
2 of this Act.

3 (r) "Related science curriculum" means a 4 year program of  
4 study, the satisfactory completion of which results in a  
5 Bachelor of Science degree, and which contains courses from  
6 such areas as life, earth, engineering and computer sciences,  
7 including but not limited to, physics and chemistry. In the  
8 study of these sciences, the objective is to acquire  
9 fundamental knowledge about the nature of its phenomena,  
10 including quantitative expression, appropriate to particular  
11 fields of engineering.

12 (s) "Rules" means those rules promulgated pursuant to this  
13 Act.

14 (t) "Seal" means the seal in compliance with Section 14 of  
15 this Act.

16 (t-5) "Secretary" means the Secretary of the Department of  
17 Financial and Professional Regulation.

18 (u) "Site observation" is visitation of the construction  
19 site for the purpose of reviewing, as available, the quality  
20 and conformance of the work to the technical submissions as  
21 they relate to design.

22 (v) "Support design professional" means a professional  
23 engineer practicing in conformance with the Professional  
24 Engineering Practice Act of 1989, who provides services to the  
25 design professional who has contract responsibility.

26 (w) "Technical submissions" are the ~~means~~ designs,

1 drawings, and specifications which establish the scope and  
2 standard of quality for materials, workmanship, equipment, and  
3 systems. "Technical submissions" also includes, but are not  
4 limited to, studies, analyses, calculations, ~~the construction~~  
5 ~~systems, studies,~~ and other technical reports prepared in the  
6 course of the practice of professional engineering or under the  
7 direct supervision and responsible charge of a licensed  
8 professional engineer a ~~design professional's practice.~~

9 (Source: P.A. 91-91, eff. 1-1-00; 91-92, eff. 1-1-00; 92-16,  
10 eff. 6-28-01; 92-145, eff. 1-1-02.)

11 (225 ILCS 325/5) (from Ch. 111, par. 5205)

12 (Section scheduled to be repealed on January 1, 2010)

13 Sec. 5. Powers and duties of the Department. Subject to the  
14 provisions of this Act, the Department shall exercise the  
15 following functions, powers and duties:

16 (a) To pass upon the qualifications and conduct  
17 examinations of applicants for licensure as professional  
18 engineers or enrollment as engineer interns and pass upon  
19 the qualifications of applicants by endorsement and issue a  
20 license or enrollment to those who are found to be fit and  
21 qualified.

22 (b) To prescribe rules for the method, conduct and  
23 grading of the examination of applicants.

24 (c) To register ~~license~~ corporations, partnerships,  
25 professional service corporations, limited liability

1 companies, and sole proprietorships for the practice of  
2 professional engineering and issue a certificate of  
3 registration ~~license~~ to those who qualify.

4 (d) To conduct investigations and hearings regarding  
5 violations of this Act and take disciplinary or other  
6 actions as provided in this Act as a result of the  
7 proceedings.

8 (e) To prescribe rules as to what shall constitute an  
9 engineering or related science curriculum and to determine  
10 if a specific engineering curriculum is in compliance with  
11 the rules, and to terminate the approval of a specific  
12 engineering curriculum for non-compliance with such rules.

13 (f) To promulgate rules required for the  
14 administration of this Act, including rules of  
15 professional conduct.

16 (g) To maintain membership in the National Council of  
17 Examiners for Engineering and Surveying and participate in  
18 activities of the Council by designation of individuals for  
19 the various classifications of membership, the appointment  
20 of delegates for attendance at zone and national meetings  
21 of the Council, and the funding of the delegates for  
22 attendance at the meetings of the Council.

23 (h) To obtain written recommendations from the Board  
24 regarding qualifications of individuals for licensure and  
25 enrollment, definitions of curriculum content and approval  
26 of engineering curricula, standards of professional

1           conduct and formal disciplinary actions, and the  
2           promulgation of the rules affecting these matters.

3           Prior to issuance of any final decision or order that  
4           deviates from any report or recommendations of the Board  
5           relating to the qualification of applicants, discipline of  
6           licensees or registrants, or promulgation of rules, the  
7           Secretary ~~Director~~ shall notify the Board in writing with  
8           an explanation of any such deviation ~~and provide a~~  
9           ~~reasonable time for the Board to submit written comments to~~  
10          ~~the Director regarding the proposed action. In the event~~  
11          ~~that the Board fails or declines to submit such written~~  
12          ~~comments within 30 days of said notification, the Director~~  
13          ~~may issue a final decision or orders consistent with the~~  
14          ~~Director's original decision.~~ The Department may at any  
15          time seek the expert advice and knowledge of the Board on  
16          any matter relating to the enforcement of this Act.

17          (i) To ~~publish and distribute or to~~ post on the  
18          Department's website, ~~at least semi-annually,~~ a newsletter  
19          describing ~~to all persons licensed and registered under~~  
20          ~~this Act. The newsletter shall describe~~ the most recent  
21          changes in this Act and the rules adopted under this Act  
22          and containing ~~shall contain~~ information of any final  
23          disciplinary action that has been ordered under this Act  
24          since the date of the last newsletter.

25          (j) To review such applicant qualifications to sit for  
26          the examination or for licensure as the Board designates

1           pursuant to Section 7 of this Act.

2           ~~None of the functions, powers or duties enumerated in this~~  
3 ~~Section shall be exercised by the Department except upon the~~  
4 ~~action and report in writing of the Board.~~

5           (Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

6           (225 ILCS 325/6) (from Ch. 111, par. 5206)

7           (Section scheduled to be repealed on January 1, 2010)

8           Sec. 6. Composition, qualifications and terms of the Board.

9           (a) The Board shall be appointed by the Secretary ~~Director~~  
10 and shall consist of 10 members, one of whom shall be a public  
11 member and 9 of whom shall be professional engineers licensed  
12 under this Act. In addition each member who is a professional  
13 engineer shall:

14                   (1) be a citizen of the United States, and

15                   (2) be a resident of this State.

16           (b) In addition, each member who is a professional engineer  
17 shall:

18                   (1) have not less than 12 years of experience in the  
19 practice of professional engineering, and shall hold an  
20 active license as a professional engineer in Illinois;

21                   (2) have been in charge of professional engineering  
22 work for at least 5 years. For the purposes of this  
23 Section, any period in which a person has been in charge of  
24 teaching engineering in an engineering college with the  
25 rank of assistant professor or higher shall be considered

1 as time in which such person was in charge of professional  
2 engineering work.

3 The terms for all members shall be for 5 years. On the  
4 expiration of the term of any member or in the event of a  
5 vacancy, the Secretary ~~Director~~ shall appoint a member who  
6 shall hold office until the expiration of the term for which  
7 the member is appointed and until a successor has been  
8 appointed and qualified.

9 No member shall be reappointed to the Board for a term  
10 which would cause that individual's lifetime ~~continuous~~  
11 service on the Board to be longer than 15 ~~successive~~ years.

12 In implementing the 5 year terms, the Secretary ~~Director~~  
13 shall vary the terms to enable the Board to have no more than 2  
14 terms expire in any one year.

15 The public member shall be a voting member and shall not  
16 hold a license as an architect, professional engineer,  
17 structural engineer, or a land surveyor ~~not be an employee of~~  
18 ~~the State of Illinois~~. The public member shall be an Illinois  
19 resident and a citizen of the United States.

20 In making appointments to the Board, the Secretary ~~Director~~  
21 shall give due consideration to recommendations by members of  
22 the profession and by organizations therein.

23 The Secretary ~~Director~~ may remove any member of the Board  
24 for misconduct, incompetence, neglect of duty or for reasons  
25 prescribed by law for removal of State officials.

26 The Secretary ~~Director~~ may remove a member of the Board who

1 does not attend 2 consecutive meetings.

2 A quorum of the Board shall consist of 6 ~~a majority of~~  
3 Board members ~~appointed~~. ~~A Majority vote of the~~ quorum is  
4 required for Board decisions.

5 Each member of the Board ~~may shall~~ receive compensation as  
6 determined by the Secretary ~~when attending Board meetings or~~  
7 ~~meetings approved by the Director~~ and shall be reimbursed for  
8 all actual traveling expenses.

9 Members of the Board shall be immune from suit in any  
10 action based upon any disciplinary proceedings or other  
11 activities performed in good faith as members of the Board.

12 Persons holding office as members of the Board immediately  
13 prior to the effective date of this Act under the Act repealed  
14 herein shall continue as members of the Board until the  
15 expiration of the term for which they were appointed and until  
16 their successors are appointed and qualified.

17 (Source: P.A. 91-92, eff. 1-1-00.)

18 (225 ILCS 325/7) (from Ch. 111, par. 5207)

19 (Section scheduled to be repealed on January 1, 2010)

20 Sec. 7. Powers and duties of the Board.

21 Subject to the provisions of this Act, the Board shall  
22 exercise the following functions, powers, and duties:

23 (a) Review applicant qualifications to sit for the  
24 examination or for licensure and shall make  
25 recommendations to the Department except for those

1        applicant qualifications that the Board designates as  
2        routinely acceptable ~~Review education and experience~~  
3        ~~qualifications of applicants, including conducting oral~~  
4        ~~interviews as deemed necessary by the Board, to determine~~  
5        ~~eligibility as an engineer intern or professional engineer~~  
6        ~~and submit to the Director written recommendations on~~  
7        ~~applicant qualifications for enrollment and licensure;~~

8            (b) The Board may appoint a subcommittee to serve as a  
9        Complaint Committee to recommend the disposition of case  
10       files according to procedures established by rule in 68  
11       III. Adm. Code 1380.305, and any changes and amendments  
12       thereto;

13           (c) Conduct hearings regarding disciplinary actions  
14       and submit a written report and recommendations to the  
15       Secretary ~~Director~~ as required by this Act and to provide a  
16       Board member at informal conferences;

17           (d) Make visits to universities or colleges to evaluate  
18       engineering curricula or to otherwise evaluate engineering  
19       curricula and submit to the Secretary ~~Director~~ a written  
20       recommendation of acceptability of a curriculum;

21           (e) Submit a written recommendation to the Secretary  
22       ~~Director~~ concerning promulgation of rules as required in  
23       Section 5 and to recommend to the Secretary ~~Director~~ any  
24       rules or amendments thereto for the administration of this  
25       Act;

26           (f) Hold at least 3 regular meetings each year;

1           (g) Elect annually a chairperson and a  
2 vice-chairperson who shall be professional engineers; and

3           (h) Submit written comments to the Secretary ~~Director~~  
4 within 30 days from notification of any final decision or  
5 order from the Secretary ~~Director~~ that deviates from any  
6 report or recommendation of the Board relating to the  
7 qualification of applicants, discipline of licensees or  
8 registrants, or promulgation of rules.

9 (Source: P.A. 91-92, eff. 1-1-00.)

10 (225 ILCS 325/8) (from Ch. 111, par. 5208)

11 (Section scheduled to be repealed on January 1, 2010)

12 Sec. 8. Applications for licensure.

13 (a) Applications for licensure shall (1) be on forms  
14 prescribed and furnished by the Department, (2) contain  
15 statements made under oath showing the applicant's education  
16 and a detailed summary of the applicant's technical work, and  
17 (3) contain references as required by the Department.

18 (b) Applicants shall have obtained the education and  
19 experience as required in Section 10 or Section 11 prior to  
20 submittal of application for examination, except as provided in  
21 subsection (b) of Section 11. Allowable experience shall  
22 commence at the date of the baccalaureate degree, except:

23 (1) Credit for one year of experience shall be given  
24 for a graduate of a baccalaureate curriculum providing a  
25 cooperative program, which is supervised industrial or

1 field experience of at least one academic year which  
2 alternates with periods of full-time academic training,  
3 when such program is certified by the university, or

4 (2) Partial credit may be given for professional  
5 engineering experience as defined by rule for employment  
6 prior to receipt of a baccalaureate degree if the  
7 employment is full-time while the applicant is a part-time  
8 student taking fewer than 12 hours per semester or 8 hours  
9 per quarter to earn the degree concurrent with the  
10 full-time engineering experience.

11 (3) If an applicant files an application and supporting  
12 documents containing a material misstatement of  
13 information or a misrepresentation for the purpose of  
14 obtaining licensure or enrollment or if an applicant  
15 performs any fraud or deceit in taking any examination to  
16 qualify for licensure or enrollment under this Act, the  
17 Department may issue a rule of intent to deny licensure or  
18 enrollment and may conduct a hearing in accordance with  
19 Sections 26 through 33 and Sections 37 and 38 of this Act.

20 The Board may conduct oral interviews of any applicant  
21 under Sections 10, 11, or 19 to assist in the evaluation of the  
22 qualifications of the applicant.

23 It is the responsibility of the applicant to supplement the  
24 application, when requested by the Board, by provision of  
25 additional documentation of education, including transcripts,  
26 course content and credentials of the engineering college or

1 college granting related science degrees, or of work experience  
2 to permit the Board to determine the qualifications of the  
3 applicant. The Department may require an applicant, at the  
4 applicant's expense, to have an evaluation of the applicant's  
5 education in a foreign country by a nationally recognized  
6 evaluating service ~~educational body~~ approved by ~~the Board in~~  
7 ~~accordance with rules prescribed by~~ the Department.

8 An applicant who graduated from an engineering program  
9 outside the United States or its territories and whose first  
10 language is not English shall submit certification of passage  
11 of the Test of English as a Foreign Language (TOEFL) and a test  
12 of spoken English ~~the Test of Spoken English (TSE)~~ as defined  
13 by rule.

14 (Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

15 (225 ILCS 325/9) (from Ch. 111, par. 5209)

16 (Section scheduled to be repealed on January 1, 2010)

17 Sec. 9. Licensure qualifications; Examinations; Failure or  
18 refusal to take examinations. Examinations provided for by this  
19 Act shall be conducted under rules prescribed by the  
20 Department. Examinations shall be held not less frequently than  
21 semi-annually, at times and places prescribed by the  
22 Department, of which applicants shall be notified by the  
23 Department in writing.

24 Examinations of the applicants who seek to practice  
25 professional engineering shall ascertain: (a) if the applicant

1 has an adequate understanding of the basic and engineering  
2 sciences, which shall embrace subjects required of candidates  
3 for an approved baccalaureate degree in engineering, and (b) if  
4 the training and experience of the applicant have provided a  
5 background for the application of the basic and engineering  
6 sciences to the solution of engineering problems. The  
7 Department may by rule prescribe additional subjects for  
8 examination. If an applicant neglects, fails to take ~~without an~~  
9 ~~approved excuse~~, or refuses to take the next available  
10 examination offered for licensure under this Act within 3 years  
11 after filing the application, the fee paid by the applicant  
12 shall be forfeited and the application denied. If an applicant  
13 fails to pass an examination for licensure under this Act  
14 within 3 years after filing the application, the application  
15 shall be denied. However, such applicant may thereafter make a  
16 new application for examination, accompanied by the required  
17 fee.

18 (Source: P.A. 94-452, eff. 1-1-06.)

19 (225 ILCS 325/10) (from Ch. 111, par. 5210)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 10. Minimum standards for examination for licensure as  
22 professional engineer. To qualify for licensure as a  
23 professional engineer each applicant shall be:

24 (a) A graduate of an approved engineering curriculum of at  
25 least 4 years who submits acceptable evidence to the Board of

1 an additional 4 years or more of experience in engineering work  
2 of a grade and character which indicate that the individual may  
3 be competent to practice professional engineering, and who then  
4 passes a nominal 8-hour written examination in the fundamentals  
5 of engineering, and a nominal 8-hour written examination in the  
6 principles and practice of engineering. Upon passing both  
7 examinations, the applicant, if otherwise qualified, shall be  
8 granted a license to practice professional engineering in this  
9 State; or

10 (b) A graduate of a non-approved engineering curriculum or  
11 a related science curriculum of at least 4 years and meeting  
12 the requirements as set forth by rule, who submits acceptable  
13 evidence to the Board of an additional 8 years or more of  
14 experience in engineering work of a grade and character which  
15 indicate that the individual may be competent to practice  
16 professional engineering, and who then passes a nominal 8-hour  
17 written examination in the fundamentals of engineering and a  
18 nominal 8-hour written examination in the principles and  
19 practice of engineering. Upon passing both examinations, the  
20 applicant, if otherwise qualified, shall be granted a license  
21 to practice professional engineering in this State; or

22 (c) An engineer intern ~~who meets the education and~~  
23 ~~experience qualifications of subsection (a) or (b) of this~~  
24 ~~Section and has passed the nominal 8-hour written examination~~  
25 ~~in the fundamentals of engineering,~~ by application and payment  
26 of the required fee, may then take the nominal 8-hour written

1 examination in the principles and practice of engineering. If  
2 the applicant passes ~~Upon passing~~ that examination and submits  
3 evidence to the Board that meets the experience qualification  
4 of subsection (a) or (b) of this Section, the applicant, if  
5 otherwise qualified, shall be granted a license to practice  
6 professional engineering in this State.

7 (d) When considering an applicant's qualifications for  
8 licensure under this Act, the Department may take into  
9 consideration whether an applicant has engaged in conduct or  
10 actions that would constitute a violation of the Standards of  
11 Professional Conduct for this Act as provided for by  
12 administrative rules.

13 (Source: P.A. 91-92, eff. 1-1-00.)

14 (225 ILCS 325/11) (from Ch. 111, par. 5211)

15 (Section scheduled to be repealed on January 1, 2010)

16 Sec. 11. Minimum standards for examination for enrollment  
17 as engineer intern. Each of the following is considered a  
18 minimum standard that an applicant must satisfy to qualify for  
19 enrollment as an engineer intern.

20 (a) A graduate of an approved engineering curriculum of at  
21 least 4 years, who has passed a nominal 8-hour written  
22 examination in the fundamentals of engineering, shall be  
23 enrolled as an engineer intern, if the applicant is otherwise  
24 qualified; or

25 (b) An applicant in the last year of an approved

1 engineering curriculum who passes a nominal 8-hour written  
2 examination in the fundamentals of engineering and furnishes  
3 proof that the applicant graduated ~~of graduation~~ within a 12  
4 month period following the examination shall be enrolled as an  
5 engineer intern, if the applicant is otherwise qualified; or

6 (c) A graduate of a non-approved engineering curriculum or  
7 a related science curriculum, of at least 4 years meeting the  
8 requirements as set forth by rule, who submits acceptable  
9 evidence to the Board of an additional 4 years or more of  
10 progressive experience in engineering work, and who then passes  
11 a nominal 8-hour written examination in the fundamentals of  
12 engineering shall be enrolled as an engineer intern, if the  
13 applicant is otherwise qualified.

14 ~~The examination of applicants under subsection (b) of this~~  
15 ~~Section who fail to furnish proof of graduation within the~~  
16 ~~specified 12 month period after the examination shall be voided~~  
17 ~~by the Department.~~

18 (Source: P.A. 89-61, eff. 6-30-95.)

19 (225 ILCS 325/14) (from Ch. 111, par. 5214)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 14. Seal. Every professional engineer shall have a  
22 seal or stamp, the print of which shall be reproducible and  
23 contain the name of the professional engineer, the professional  
24 engineer's license number, and the words "Licensed  
25 Professional Engineer of Illinois". Any reproducible stamp

1 heretofore authorized under the laws of this state for use by a  
2 professional engineer, including those with the words  
3 "Registered Professional Engineer of Illinois", shall serve  
4 the same purpose as the seal provided for by this Act. The  
5 engineer shall be responsible for his seal and signature as  
6 defined by rule. When technical submissions are prepared  
7 utilizing a computer or other electronic means, the seal may be  
8 generated by the computer. Signatures generated by computer  
9 shall not be permitted.

10 The use of a professional engineer's seal on technical  
11 submissions constitutes a representation by the professional  
12 engineer that the work has been prepared by or under the  
13 personal supervision of the professional engineer or developed  
14 in conjunction with the use of accepted engineering standards.  
15 The use of the seal further represents that the work has been  
16 prepared and administered in accordance with the standards of  
17 reasonable professional skill and diligence.

18 It is unlawful to affix one's seal to technical submissions  
19 if it masks the true identity of the person who actually  
20 exercised direction, control and supervision of the  
21 preparation of such work. A professional engineer who seals and  
22 signs technical submissions is not responsible for damage  
23 caused by subsequent changes to or uses of those technical  
24 submissions, where the subsequent changes or uses, including  
25 changes or uses made by State or local governmental agencies,  
26 are not authorized or approved by the professional engineer who

1 originally sealed and signed the technical submissions.

2 (Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

3 (225 ILCS 325/16) (from Ch. 111, par. 5216)

4 (Section scheduled to be repealed on January 1, 2010)

5 Sec. 16. Issuance of license. Whenever the provisions of  
6 this Act have been complied with the Department may ~~shall~~ issue  
7 a license as a professional engineer and enroll the engineer  
8 intern.

9 Every holder of a license as a professional engineer shall  
10 display the license in a conspicuous place in the professional  
11 engineer's principal office.

12 It is the professional engineer's and engineer intern's  
13 responsibility to inform the Department of any change of  
14 address.

15 (Source: P.A. 86-667.)

16 (225 ILCS 325/17) (from Ch. 111, par. 5217)

17 (Section scheduled to be repealed on January 1, 2010)

18 Sec. 17. Licensure; Renewal; Restoration; Person in  
19 military service; Retired. The expiration date and renewal  
20 period for each professional engineer license issued under this  
21 Act shall be set by the Department by rule. The enrollment of  
22 an engineer intern shall not expire.

23 Any person whose license has expired or whose license is on  
24 inactive status may have such license restored by making

1 application to the Department and filing proof acceptable to  
2 the Department of that person's fitness to have such license  
3 restored, which may include sworn evidence certifying to active  
4 practice in another jurisdiction satisfactory to the  
5 Department and by paying the required restoration fee. If the  
6 person has not maintained an active practice in another  
7 jurisdiction satisfactory to the Department, the Board shall  
8 determine, by an evaluation program established by rule, the  
9 person's fitness to resume active status and may require the  
10 person to complete a period of evaluated experience and may  
11 require successful completion of the principles and practice  
12 examination.

13 However, any person whose license expired while that person  
14 was (1) in Federal Service on active duty with the Armed Forces  
15 of the United States, or the State Militia called into service  
16 or training, or (2) in training or education under the  
17 supervision of the United States preliminary to induction into  
18 the military service, may have such license renewed or restored  
19 without paying any lapsed renewal fees if, within 2 years after  
20 honorable termination of such service, training, or education,  
21 except under conditions other than honorable, the Department is  
22 furnished with satisfactory evidence that the person has been  
23 so engaged and has maintained professional competence and that  
24 such service, training or education has been so terminated.

25 Each application for renewal shall contain the original  
26 seal and signature of the professional engineer. Applicants for

1 renewal or restoration shall certify that all conditions of  
2 their license meet the requirements of the Illinois  
3 Professional Engineering Practice Act of 1989.

4 Any person who has been duly licensed as a professional  
5 engineer by the Department and who chooses to deactivate or not  
6 renew his or her license may use the title "Professional  
7 Engineer, Retired". Those persons using the title  
8 "Professional Engineer, Retired" may request restoration to  
9 active status under the applicable provisions of Sections 17,  
10 17.5, and 18 of this Act.

11 The use of the title "Professional Engineer, Retired" shall  
12 not constitute representation of current licensure. Any person  
13 without an active license shall not be permitted to practice  
14 engineering as defined in this Act.

15 Nothing in this Section shall be construed to require the  
16 Department to issue any certificate, credential, or other  
17 document indicating that a person has been granted the title,  
18 "Professional Engineer, Retired".

19 (Source: P.A. 89-61, eff. 6-30-95.)

20 (225 ILCS 325/19) (from Ch. 111, par. 5219)

21 (Section scheduled to be repealed on January 1, 2010)

22 Sec. 19. Endorsement. The Department may, upon the  
23 recommendation of the Board, license as a professional  
24 engineer, on payment of the required fee, an applicant who is a  
25 professional engineer registered or licensed under the laws of

1 another state or territory of the United States or the District  
2 of Columbia or parties to the North American Free Trade  
3 Agreement if the applicant qualifies under Section 8 and  
4 Section 10 of this Act, or if the qualifications of the  
5 applicant were at the time of registration or licensure in  
6 another jurisdiction substantially equal to the requirements  
7 in force in this State on that date.

8 The Department may refuse to endorse ~~by comity~~ the  
9 applicants from any state, District of Columbia or territory if  
10 the requirements for registration or licensure in such  
11 jurisdiction are not substantially equal to the requirements of  
12 this Act.

13 Applicants have 3 years from the date of application to  
14 complete the application process. If the process has not been  
15 completed during the 3 year time frame, the application shall  
16 be denied, the fee forfeited and the applicant must reapply and  
17 meet the requirements in effect at the time of reapplication.

18 (Source: P.A. 88-595, eff. 8-26-94; 89-61, eff. 6-30-95.)

19 (225 ILCS 325/21) (from Ch. 111, par. 5221)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 21. Rosters. The Department shall maintain a roster of  
22 the names and addresses of all professional engineers and  
23 professional design firms, partnerships, and corporations  
24 licensed or registered under this Act. This roster shall be  
25 available upon ~~written~~ request and payment of the required fee.

1 (Source: P.A. 88-428.)

2 (225 ILCS 325/24) (from Ch. 111, par. 5224)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 24. Rules of professional conduct; disciplinary or  
5 administrative action.

6 (a) The Department shall adopt rules setting standards of  
7 professional conduct and establish appropriate penalty for the  
8 breach of such rules.

9 (a-1) The Department may, singularly or in combination,  
10 refuse to issue, renew, or restore, ~~or renew~~ a license or may  
11 ~~registration, revoke, or suspend, a license or registration, or~~  
12 place on probation, reprimand, or take other disciplinary or  
13 non-disciplinary action with regard to a person licensed under  
14 this Act, including but not limited to, the imposition of a  
15 fine ~~impose a civil penalty~~ not to exceed \$10,000 per violation  
16 upon any person, corporation, partnership, or professional  
17 design firm licensed or registered under this Act, for any one  
18 or combination of the following causes:

19 (1) Material misstatement in furnishing information to  
20 the Department.

21 (2) Violations ~~Failure to comply with any provisions of~~  
22 this Act or any of its rules.

23 (3) Conviction of or entry of a plea of guilty or nolo  
24 contendere to any crime that is a felony under the laws of  
25 the United States, ~~or any state or territory thereof,~~ or

1        ~~that is a , which is a felony, whether related to practice~~  
2        ~~or not, or conviction of any crime, whether a felony,~~  
3        misdemeanor, ~~or otherwise,~~ an essential element of which is  
4        dishonesty, or any crime that is ~~which is~~ directly related  
5        to the practice of engineering.

6            (4) Making any misrepresentation for the purpose of  
7        obtaining, renewing, or restoring a license ~~licensure,~~ or  
8        violating any provision of this Act or the rules  
9        promulgated under this Act pertaining to advertising ~~in~~  
10       ~~applying for restoration or renewal; or practice of any~~  
11       ~~fraud or deceit in taking any examination to qualify for~~  
12       ~~licensure under this Act.~~

13           (5) Willfully Purposefully making or signing a false  
14       statement, certificate, or affidavit ~~statements or signing~~  
15       ~~false statements, certificates, or affidavits~~ to induce  
16       payment.

17           (6) Negligence, incompetence or misconduct in the  
18       practice of professional engineering as a licensed  
19       professional engineer or in working as an engineer intern.

20           (7) Aiding or assisting another person in violating any  
21       provision of this Act or its rules.

22           (8) Failing to provide information in response to a  
23       written request made by the Department within 30 days after  
24       receipt of such written request.

25           (9) Engaging in dishonorable, unethical or  
26       unprofessional conduct of a character likely to deceive,

1 defraud or harm the public.

2 (10) Inability to practice the profession with  
3 reasonable judgment, skill, or safety as a result of a  
4 physical illness, including, but not limited to,  
5 deterioration through the aging process or loss of motor  
6 skill, or mental illness or disability ~~Habitual~~  
7 ~~intoxication or addiction to the use of drugs.~~

8 (11) Discipline by the United States Government,  
9 another state, District of Columbia, territory, foreign  
10 nation or government agency, if at least one of the grounds  
11 for the discipline is the same or substantially equivalent  
12 to those set forth in this Act.

13 (12) Directly or indirectly giving to or receiving from  
14 any person, firm, corporation, partnership or association  
15 any fee, commission, rebate or other form of compensation  
16 for any professional services not actually or personally  
17 rendered.

18 (13) A finding by the Department ~~Board~~ that an  
19 applicant or registrant has failed to pay a fine imposed by  
20 the Department, a registrant whose license has been placed  
21 on probationary status has violated the terms of probation,  
22 or a registrant has practiced on an expired, inactive,  
23 suspended, or revoked license.

24 (14) Signing, affixing the professional engineer's  
25 seal or permitting the professional engineer's seal to be  
26 affixed to any technical submissions not prepared as

1 required by Section 14 or completely reviewed by the  
2 professional engineer or under the professional engineer's  
3 direct supervision.

4 (15) Inability ~~Physical illness, including but not~~  
5 ~~limited to deterioration through the aging process or loss~~  
6 ~~of motor skill, which results in the inability to practice~~  
7 the profession with reasonable judgment, skill or safety as  
8 a result of habitual or excessive use or addiction to  
9 alcohol, narcotics, stimulants, or any other chemical  
10 agent or drug.

11 (16) The making of a statement pursuant to the  
12 Environmental Barriers Act that a plan for construction or  
13 alteration of a public facility or for construction of a  
14 multi-story housing unit is in compliance with the  
15 Environmental Barriers Act when such plan is not in  
16 compliance.

17 (17) (Blank). ~~Failing to file a return, or to pay the~~  
18 ~~tax, penalty or interest shown in a filed return, or to pay~~  
19 ~~any final assessment of tax, penalty or interest as~~  
20 ~~required by a tax Act administered by the Illinois~~  
21 ~~Department of Revenue, until such time as the requirements~~  
22 ~~of any such tax Act are satisfied.~~

23 (a-2) The Department shall deny a license or renewal  
24 authorized by this Act to a person who has failed to file a  
25 return, to pay the tax, penalty, or interest shown in a filed  
26 return, or to pay any final assessment of tax, penalty, or

1 interest as required by any tax Act administered by the  
2 Department of Revenue, until such time as the requirements of  
3 the tax Act are satisfied in accordance with subsection (g) of  
4 Section 15 of the Department of Professional Regulation Law of  
5 the Civil Administrative Code of Illinois (20 ILCS  
6 2105/2105-15).

7 (a-3) The Department shall deny a license or renewal  
8 authorized by this Act to a person who has defaulted on an  
9 educational loan or scholarship provided or guaranteed by the  
10 Illinois Student Assistance Commission or any governmental  
11 agency of this State in accordance with subdivision (a) (5) of  
12 Section 15 of the Department of Professional Regulation Law of  
13 the Civil Administrative Code of Illinois (20 ILCS  
14 2105/2105-15).

15 (a-4) In cases where the Department of Healthcare and  
16 Family Services (formerly the Department of Public Aid) has  
17 previously determined that a licensee or a potential licensee  
18 is more than 30 days delinquent in the payment of child support  
19 and has subsequently certified the delinquency to the  
20 Department, the Department shall refuse to issue or renew or  
21 shall revoke or suspend that person's license or shall take  
22 other disciplinary action against that person based solely upon  
23 the certification of delinquency made by the Department of  
24 Healthcare and Family Services in accordance with subdivision  
25 (a) (5) of Section 15 of the Department of Professional  
26 Regulation Law of the Civil Administrative Code of Illinois (20

1 ILCS 2105/2105-15).

2 (a-5) In enforcing this Section, the Department or Board,  
3 upon a showing of a possible violation, may order a licensee or  
4 applicant to submit to a mental or physical examination, or  
5 both, at the expense of the Department. The Department or Board  
6 may order the examining physician to present testimony  
7 concerning his or her examination of the licensee or applicant.  
8 No information shall be excluded by reason of any common law or  
9 statutory privilege relating to communications between the  
10 licensee or applicant and the examining physician. The  
11 examining physicians shall be specifically designated by the  
12 Board or Department. The licensee or applicant may have, at his  
13 or her own expense, another physician of his or her choice  
14 present during all aspects of the examination. Failure of a  
15 licensee or applicant to submit to any such examination when  
16 directed, without reasonable cause as defined by rule, shall be  
17 grounds for either the immediate suspension of his or her  
18 license or immediate denial of his or her application.

19 If the Secretary immediately suspends the license of a  
20 licensee for his or her failure to submit to a mental or  
21 physical examination when directed, a hearing must be convened  
22 by the Department within 15 days after the suspension and  
23 completed without appreciable delay.

24 If the Secretary otherwise suspends a license pursuant to  
25 the results of the licensee's mental or physical examination, a  
26 hearing must be convened by the Department within 15 days after

1 the suspension and completed without appreciable delay. The  
2 Department and Board shall have the authority to review the  
3 licensee's record of treatment and counseling regarding the  
4 relevant impairment or impairments to the extent permitted by  
5 applicable federal statutes and regulations safeguarding the  
6 confidentiality of medical records.

7 Any licensee suspended under this subsection (a-5) shall be  
8 afforded an opportunity to demonstrate to the Department or  
9 Board that he or she can resume practice in compliance with the  
10 acceptable and prevailing standards under the provisions of his  
11 or her license.

12 ~~In enforcing this Section, the Board upon a showing of a~~  
13 ~~possible violation may compel a person licensed to practice~~  
14 ~~under this Act, or who has applied for licensure or~~  
15 ~~certification pursuant to this Act, to submit to a mental or~~  
16 ~~physical examination, or both, as required by and at the~~  
17 ~~expense of the Department. The examining physicians shall be~~  
18 ~~those specifically designated by the Board. The Board or the~~  
19 ~~Department may order the examining physician to present~~  
20 ~~testimony concerning this mental or physical examination of the~~  
21 ~~licensee or applicant. No information shall be excluded by~~  
22 ~~reason of any common law or statutory privilege relating to~~  
23 ~~communications between the licensee or applicant and the~~  
24 ~~examining physician. The person to be examined may have, at his~~  
25 ~~or her own expense, another physician of his or her choice~~  
26 ~~present during all aspects of the examination. Failure of any~~

1 ~~person to submit to a mental or physical examination, when~~  
2 ~~directed, shall be grounds for suspension of a license until~~  
3 ~~the person submits to the examination if the Board finds, after~~  
4 ~~notice and hearing, that the refusal to submit to the~~  
5 ~~examination was without reasonable cause.~~

6 ~~If the Board finds a person unable to practice because of~~  
7 ~~the reasons set forth in this Section, the Board may require~~  
8 ~~that person to submit to care, counseling, or treatment by~~  
9 ~~physicians approved or designated by the Board as a condition,~~  
10 ~~term, or restriction for continued, reinstated, or renewed~~  
11 ~~licensure to practice; or, in lieu of care, counseling, or~~  
12 ~~treatment, the Board may recommend to the Department to file a~~  
13 ~~complaint to immediately suspend, revoke, or otherwise~~  
14 ~~discipline the license of the person. Any person whose license~~  
15 ~~was granted, continued, reinstated, renewed, disciplined, or~~  
16 ~~supervised subject to such terms, conditions, or restrictions~~  
17 ~~and who fails to comply with such terms, conditions, or~~  
18 ~~restrictions shall be referred to the Director for a~~  
19 ~~determination as to whether the person shall have his or her~~  
20 ~~license suspended immediately, pending a hearing by the Board.~~

21 (b) The determination by a circuit court that a registrant  
22 is subject to involuntary admission or judicial admission as  
23 provided in the Mental Health and Developmental Disabilities  
24 Code, as now or hereafter amended, operates as an automatic  
25 suspension. Such suspension will end only upon a finding by a  
26 court that the patient is no longer subject to involuntary

1 admission or judicial admission, the issuance of an order so  
2 finding and discharging the patient, and the recommendation of  
3 the Board to the Director that the registrant be allowed to  
4 resume practice.

5 (Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

6 (225 ILCS 325/26) (from Ch. 111, par. 5226)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 26. Investigations; notice and hearing. The  
9 Department may investigate the actions of any applicant or of  
10 any person or entity holding or claiming to hold a license or  
11 registration or offering professional engineering services.  
12 Before the initiation of an investigation, the matter shall be  
13 reviewed by a subcommittee of the Board according to procedure  
14 established by rule for the Complaint Committee. The Department  
15 shall, before refusing to issue, restore or renew a license or  
16 registration or otherwise discipline a licensee or registrant,  
17 at least 30 days prior to the date set for the hearing, notify  
18 in writing the applicant for, or holder of, a license or  
19 registration of the nature of the charges, that a hearing will  
20 be held on the date designated, and direct the applicant or  
21 entity or licensee or registrant to file a written answer to  
22 the Department Board under oath within 20 days after the  
23 service of the notice and inform the applicant or entity or  
24 licensee or registrant that failure to file an answer will  
25 result in default being taken against the applicant or entity

1 or licensee or registrant and that the license or certificate  
2 may be suspended, revoked, placed on probationary status, or  
3 other disciplinary action may be taken, including limiting the  
4 scope, nature or extent of practice, as the Secretary ~~Director~~  
5 may deem proper. Written notice may be served by personal  
6 delivery or certified or registered mail to the respondent at  
7 the address of record ~~currently on file with the Department~~. In  
8 case the person or entity fails to file an answer after  
9 receiving notice as provided in this Section, his or her  
10 license or certificate may, in the discretion of the  
11 Department, be suspended, revoked, or placed on probationary  
12 status, or the Department may take whatever disciplinary action  
13 deemed proper, including limiting the scope, nature, or extent  
14 of the person's practice or the imposition of a fine, without a  
15 hearing, if the act or acts charged constitute sufficient  
16 grounds for such action under this Act. At the time and place  
17 fixed in the notice, the Board shall proceed to hear the  
18 charges and the parties or their counsel shall be accorded  
19 ample opportunity to present such statements, testimony,  
20 evidence and argument as may be pertinent to the charges or to  
21 their defense. The Board may continue the hearing from time to  
22 time.

23 (Source: P.A. 87-1031; 88-428.)

24 (225 ILCS 325/27.5 new)

25 Sec. 27.5. Subpoenas; depositions; oaths. The Department

1 has the power to subpoena documents, books, records, or other  
2 materials, to bring before it any person, and to take testimony  
3 either orally or by deposition, or take written  
4 interrogatories, or any combination thereof, with the same fees  
5 and mileage and in the same manner prescribed in civil cases in  
6 courts of this State.

7 The Secretary, the designated hearing officer, and every  
8 member of the Board has the power to administer oaths to  
9 witnesses at any hearing that the Department is authorized to  
10 conduct and any other oaths authorized in any Act administered  
11 by the Department.

12 (225 ILCS 325/29) (from Ch. 111, par. 5229)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 29. Notice of hearing; Findings and recommendations.  
15 At the conclusion of the hearing, the Board shall present to  
16 the Secretary ~~Director~~ a written report of its finding and  
17 recommendations. The report shall contain a finding whether or  
18 not the accused person violated this Act or its rules or failed  
19 to comply with the conditions required in this Act or its  
20 rules. The Board shall specify the nature of the violation or  
21 failure to comply, and shall make its recommendations to the  
22 Secretary ~~Director~~. The Board may take into consideration in  
23 making its recommendations for discipline all facts and  
24 circumstances bearing upon the reasonableness of the conduct of  
25 the respondent and the potential for future harm to the public,

1 including but not limited to previous discipline by the  
2 Department, intent, degree of harm to the public and likelihood  
3 of harm in the future, any restitution made, and whether the  
4 incident or incidents complained of appear to be isolated or a  
5 pattern of conduct. In making its recommendations for  
6 discipline, the Board shall endeavor to ensure that the  
7 severity of the discipline recommended bears some reasonable  
8 relationship to the severity of the violation. The report of  
9 findings of fact, conclusions of law and recommendation of the  
10 Board shall be the basis for the Department's order refusing to  
11 issue, restore or renew a license, or otherwise discipline a  
12 registrant. If the Secretary ~~Director~~ disagrees in any regard  
13 with the report of the Board, the Secretary ~~Director~~ may issue  
14 an order in contravention thereof, following the procedures set  
15 forth in Section 7. The Secretary ~~Director~~ shall provide a  
16 written report to the Board on any deviation, and shall specify  
17 with particularity the reasons for said action. The finding is  
18 not admissible in evidence against the person in a criminal  
19 prosecution brought for the violation of this Act, but the  
20 hearing and finding are not a bar to a criminal prosecution  
21 brought for the violation of this Act.

22 (Source: P.A. 86-667.)

23 (225 ILCS 325/31) (from Ch. 111, par. 5231)

24 (Section scheduled to be repealed on January 1, 2010)

25 Sec. 31. Secretary ~~Director~~; Rehearing. Whenever the

1 Secretary ~~Director~~ is not satisfied that substantial justice  
2 has been done in the refusal to issue, restore or renew a  
3 license, or otherwise discipline a registrant, the Secretary  
4 ~~Director~~ may order a rehearing by the same or other examiners.

5 (Source: P.A. 86-667.)

6 (225 ILCS 325/32) (from Ch. 111, par. 5232)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 32. Appointment of a hearing officer. Notwithstanding  
9 the provisions of Section 26, the Secretary ~~Director~~ has the  
10 authority to appoint any attorney duly registered to practice  
11 law in the State of Illinois to serve as the hearing officer in  
12 any action for refusal to issue, restore or renew a license or  
13 to discipline a registrant. The hearing officer has full  
14 authority to conduct the hearing. The hearing officer shall  
15 report the findings and recommendations to the Board and the  
16 Secretary ~~Director~~. The Board has 60 days from receipt of the  
17 report to review the report of the hearing officer and present  
18 its findings of fact, conclusions of law and recommendations to  
19 the Secretary ~~Director~~. If the Board fails to present its  
20 report within the 60 day period, the Secretary ~~Director~~ shall  
21 issue an order based on the report of the hearing officer  
22 except as herein noted. However, if the Secretary ~~Director~~  
23 disagrees in any regard with the report of the Board or hearing  
24 officer, the Secretary ~~Director~~ may issue an order in  
25 contravention thereof, following the procedures set forth in

1 Section 7. The Secretary ~~Director~~ shall provide a written  
2 report to the Board on any deviation, and shall specify with  
3 particularity the reasons for said action.

4 (Source: P.A. 86-667.)

5 (225 ILCS 325/33) (from Ch. 111, par. 5233)

6 (Section scheduled to be repealed on January 1, 2010)

7 Sec. 33. Order or certified copy; Prima facie proof. An  
8 order or a certified copy thereof, over the seal of the  
9 Department and purporting to be signed by the Secretary  
10 ~~Director~~, shall be prima facie proof:

11 (a) That such signature is the genuine signature of the  
12 Secretary ~~Director~~;

13 (b) That such Secretary ~~Director~~ is duly appointed and  
14 qualified; and

15 (c) That the Board and the members thereof are qualified to  
16 act.

17 (Source: P.A. 86-667.)

18 (225 ILCS 325/34) (from Ch. 111, par. 5234)

19 (Section scheduled to be repealed on January 1, 2010)

20 Sec. 34. Restoration of suspended or revoked license. At  
21 any time after the successful completion of a term of  
22 suspension, ~~or~~ revocation, or probation of any license, the  
23 Department may restore it to the accused person, after review  
24 and upon the ~~written~~ recommendation of the Board, unless after

1 an investigation and a hearing, the Department Board determines  
2 that restoration is not in the public interest.

3 (Source: P.A. 86-667.)

4 (225 ILCS 325/36) (from Ch. 111, par. 5236)

5 (Section scheduled to be repealed on January 1, 2010)

6 Sec. 36. Temporary suspension of a license. The Secretary  
7 ~~Director~~ may temporarily suspend the license of a professional  
8 engineer without a hearing, simultaneously with the  
9 institution of proceedings for a hearing provided for in  
10 Section 26 of this Act, if the Secretary ~~Director~~ finds that  
11 evidence in the Secretary's ~~Director's~~ possession indicates  
12 that a professional engineer's continuation in practice would  
13 constitute an imminent danger to the public. In the event that  
14 the Secretary ~~Director~~ temporarily suspends the license of a  
15 professional engineer without a hearing, a hearing by the Board  
16 must be held within 30 days after such suspension has occurred.

17 (Source: P.A. 86-667.)

18 (225 ILCS 325/42) (from Ch. 111, par. 5242)

19 (Section scheduled to be repealed on January 1, 2010)

20 Sec. 42. Civil penalties.

21 (1) In addition to any other penalty provided by law, any  
22 person, sole proprietorship, professional service corporation,  
23 limited liability company, partnership, or other entity who  
24 violates Section 40 of this Act shall forfeit and pay to the

1 Design Professionals Administration and Investigation Fund a  
2 civil penalty in an amount determined by the Department of not  
3 more than \$10,000 ~~\$5,000~~ for each offense. The penalty shall be  
4 assessed in proceedings as provided in Sections 26 through 33  
5 and Section 37 of this Act.

6 (2) Unless the amount of the penalty is paid within 60 days  
7 after the order becomes final, the order shall constitute a  
8 judgment and shall be filed and execution issued thereon in the  
9 same manner as the judgment of a court of record.

10 (Source: P.A. 88-595, eff. 8-26-94; 89-61, eff. 6-30-95.)

11 (225 ILCS 325/43) (from Ch. 111, par. 5243)

12 (Section scheduled to be repealed on January 1, 2010)

13 Sec. 43. Consent order. At any point in the proceedings as  
14 provided in Sections 25 through 33 and Section 37, both parties  
15 may agree to a negotiated consent order. The consent order  
16 shall be final upon signature of the Secretary ~~Director~~.

17 (Source: P.A. 86-667.)

18 Section 15. The Illinois Professional Land Surveyor Act of  
19 1989 is amended by changing Sections 4, 5, 6, 7, 8, 9, 10, 12,  
20 13, 16.5, 18, 19, 23, 25, 27, 28, 29, 30, 31, 33, 34, 35, 36,  
21 36.1, 37, 40, and 43 as follows:

22 (225 ILCS 330/4) (from Ch. 111, par. 3254)

23 (Section scheduled to be repealed on January 1, 2010)

1           Sec. 4. Definitions. As used in this Act:

2           (a) "Department" means the Department of Financial and  
3 Professional Regulation.

4           (b) "Secretary" "~~Director~~" means the Secretary ~~Director~~ of  
5 the Department of Financial and Professional Regulation.

6           (c) "Board" means the Land Surveyors Licensing Board.

7           (d) "Direct supervision and control" means the personal  
8 review by a Licensed Professional Land Surveyor of each survey,  
9 including, but not limited to, procurement, research, field  
10 work, calculations, preparation of legal descriptions and  
11 plats. The personal review shall be of such a nature as to  
12 assure the client that the Professional Land Surveyor or the  
13 firm for which the Professional Land Surveyor is employed is  
14 the provider of the surveying services.

15           (e) "Responsible charge" means an individual responsible  
16 for the various components of the land survey operations  
17 subject to the overall supervision and control of the  
18 Professional Land Surveyor.

19           (f) "Design professional" means a land surveyor,  
20 architect, structural engineer, or professional engineer  
21 licensed in conformance with this Act, the Illinois  
22 Architecture Practice Act of 1989, the Structural Engineering  
23 Practice Act of 1989, or the Professional Engineering Practice  
24 Act of 1989.

25           (g) "Professional Land Surveyor" means any person licensed  
26 under the laws of the State of Illinois to practice land

1 surveying, as defined by this Act or its rules.

2 (h) "Land Surveyor-in-Training" means any person licensed  
3 under the laws of the State of Illinois who has qualified for,  
4 taken, and passed an examination in the fundamental land  
5 surveyor-in-training subjects as provided by this Act or its  
6 rules.

7 (i) "Land surveying experience" means those activities  
8 enumerated in Section 5 of this Act, which, when exercised in  
9 combination, to the satisfaction of the Board, is proof of an  
10 applicant's broad range of training in and exposure to the  
11 prevailing practice of land surveying.

12 (j) "Address of record" means the designated address  
13 recorded by the Department in the applicant's or licensee's  
14 application file or license file maintained by the Department's  
15 licensure maintenance unit. It is the duty of the applicant or  
16 licensee to inform the Department of any change of address, and  
17 such changes must be made either through the Department's  
18 website or by contacting the Department's licensure  
19 maintenance unit.

20 (Source: P.A. 92-16, eff. 6-28-01; 93-467, eff. 1-1-04.)

21 (225 ILCS 330/5) (from Ch. 111, par. 3255)

22 (Section scheduled to be repealed on January 1, 2010)

23 Sec. 5. Practice of land surveying defined. Any person who  
24 practices in Illinois as a professional land surveyor who  
25 renders, offers to render, or holds himself or herself out as

1 able to render, or perform any service, the adequate  
2 performance of which involves the special knowledge of the art  
3 and application of the principles of the accurate and precise  
4 measurement of length, angle, elevation or volume,  
5 mathematics, the related physical and applied sciences, and the  
6 relevant requirements of law, all of which are acquired by  
7 education, training, experience, and examination. Any one or  
8 combination of the following practices constitutes the  
9 practice of land surveying:

10 (a) Establishing or reestablishing, locating, defining,  
11 and making or monumenting land boundaries or title or real  
12 property lines and the platting of lands and subdivisions;

13 (b) Establishing the area or volume of any portion of the  
14 earth's surface, subsurface, or airspace with respect to  
15 boundary lines, determining the configuration or contours of  
16 any portion of the earth's surface, subsurface, or airspace or  
17 the location of fixed objects thereon, except as performed by  
18 photogrammetric methods or except when the level of accuracy  
19 required is less than the level of accuracy required by the  
20 National Society of Professional Surveyors Model Standards and  
21 Practice ~~the American Congress on Surveying and~~  
22 ~~Mapping-designated Classes of Surveying;~~

23 (c) Preparing descriptions for the determination of title  
24 or real property rights to any portion or volume of the earth's  
25 surface, subsurface, or airspace involving the lengths and  
26 direction of boundary lines, areas, parts of platted parcels or

1 the contours of the earth's surface, subsurface, or airspace;

2 (d) Labeling, designating, naming, or otherwise  
3 identifying legal lines or land title lines of the United  
4 States Rectangular System or any subdivision thereof on any  
5 plat, map, exhibit, photograph, photographic composite, or  
6 mosaic or photogrammetric map of any portion of the earth's  
7 surface for the purpose of recording the same in the Office of  
8 Recorder in any county;

9 (e) Any act or combination of acts that would be viewed as  
10 offering professional land surveying services including:

11 (1) setting monuments which have the appearance of or  
12 for the express purpose of marking land boundaries, either  
13 directly or as an accessory; ~~or~~

14 (2) providing any sketch, map, plat, report, monument  
15 record, or other document which indicates land boundaries  
16 and monuments, or accessory monuments thereto, except that  
17 if the sketch, map, plat, report, monument record, or other  
18 document is a copy of an original prepared by a  
19 Professional Land Surveyor, and if proper reference to that  
20 fact be made on that document;

21 (3) performing topographic surveys, with the exception  
22 of a licensed professional engineer knowledgeable in  
23 topographical surveys that performs a topographical survey  
24 specific to his or her design project. A licensed  
25 professional engineer may not, however, offer topographic  
26 surveying services that are independent of his or her

1 specific design project; or

2 (4) locating, relocating, establishing,  
3 re-establishing, retracing, laying out, or staking of the  
4 location, alignment, or elevation of any proposed  
5 improvements whose location is dependant upon property  
6 lines;

7 (f) Determining the horizontal or vertical position or  
8 state plane coordinates for any monument or reference point  
9 that marks a title or real property line, boundary, or corner,  
10 or to set, reset, or replace any monument or reference point on  
11 any title or real property;

12 (g) Creating, preparing, or modifying electronic or  
13 computerized data or maps, including land information systems  
14 and geographic information systems, relative to the  
15 performance of activities in items (a), (b), (d), (e), through  
16 (f), and (h) of this Section, except where electronic means or  
17 computerized data is otherwise utilized to integrate, display,  
18 represent, or assess the created, prepared, or modified data;

19 (h) Establishing or adjusting any control network or any  
20 geodetic control network or ~~adjusting of~~ cadastral data as it  
21 pertains to items (a) through (g) of this Section together with  
22 the assignment of measured values to any United States  
23 Rectangular System corners, title or real property corner  
24 monuments or geodetic monuments;

25 (i) Preparing and attesting to the accuracy of a map or  
26 plat showing the land boundaries or lines and marks and

1 monuments of the boundaries or of a map or plat showing the  
2 boundaries of surface, subsurface, or air rights;

3 (j) Executing and issuing certificates, endorsements,  
4 reports, or plats that portray the horizontal or vertical  
5 relationship between existing physical objects or structures  
6 and one or more corners, datums, or boundaries of any portion  
7 of the earth's surface, subsurface, or airspace;

8 (k) Acting in direct supervision and control of land  
9 surveying activities or acting as a manager in any place of  
10 business that solicits, performs, or practices land surveying;

11 (l) Offering or soliciting to perform any of the services  
12 set forth in this Section; —

13 (m) In the performance of any of the foregoing functions, a  
14 licensee shall adhere to the standards of professional conduct  
15 enumerated in 68 Ill. Adm. Code 1270.57. Nothing contained in  
16 this Section imposes upon a person licensed under this Act the  
17 responsibility for the performance of any of the foregoing  
18 functions unless such person specifically contracts to perform  
19 such functions.

20 (Source: P.A. 93-467, eff. 1-1-04.)

21 (225 ILCS 330/6) (from Ch. 111, par. 3256)

22 (Section scheduled to be repealed on January 1, 2010)

23 Sec. 6. Powers and duties of the Department.

24 (a) The Department shall exercise the powers and duties  
25 prescribed by The Illinois Administrative Procedure Act for the

1 administration of licensing Acts. The Department shall also  
2 exercise, subject to the provisions of this Act, the following  
3 powers and duties:

4 (1) Conduct or authorize examinations to ascertain the  
5 fitness and qualifications of applicants for licensure and  
6 issue licenses to those who are found to be fit and  
7 qualified.

8 (2) Prescribe rules for a method of examination.

9 (3) Conduct hearings on proceedings to revoke,  
10 suspend, or refuse to issue, renew, or restore a license,  
11 or other disciplinary actions.

12 (4) Promulgate rules and regulations required for the  
13 administration of this Act.

14 (5) License corporations, ~~and~~ partnerships, and all  
15 other business entities for the practice of professional  
16 surveying and issue a license to those who qualify.

17 (6) Prescribe, adopt, and amend rules as to what shall  
18 constitute a surveying or related science curriculum,  
19 determine if a specific surveying curriculum is in  
20 compliance with the rules, and terminate the approval of a  
21 specific surveying curriculum for non-compliance with such  
22 rules.

23 (7) Maintain membership in the National Council of  
24 Engineering Examiners or a similar organization and  
25 participate in activities of the Council or organization by  
26 designating individuals for the various classifications of

1 membership and appoint delegates for attendance at zone and  
2 national meetings of the Council or organization.

3 (8) Obtain written recommendations from the Board  
4 regarding qualification of individuals for licensing,  
5 definition of curriculum content and approval of surveying  
6 curriculums, standards of professional conduct and  
7 disciplinary actions, promulgate and amend the rules  
8 affecting these matters, and consult with the Board on  
9 other matters affecting administration of the Act.

10 (a-5) The Department may promulgate rules for a Code of  
11 Ethics and Standards of Practice to be followed by persons  
12 licensed under this Act. The Department shall consider the  
13 recommendations of the Board in establishing the Code of Ethics  
14 and Standards of Practice.

15 (b) The Department shall consult with the Board in  
16 promulgating rules. Notice of proposed rulemaking shall be  
17 transmitted to the Board and the Department shall review the  
18 Board's response and recommendations.

19 (c) The Department shall review the Board's recommendation  
20 of the applicants' qualifications. The Secretary ~~Director~~  
21 shall notify the Board in writing with an explanation of any  
22 deviation from the Board's recommendation. After review of the  
23 Secretary's ~~Director's~~ written explanation of his or her  
24 reasons for deviation, the Board shall have the opportunity to  
25 comment upon the Secretary's ~~Director's~~ decision.

26 Whenever the Secretary ~~Director~~ is not satisfied that

1 substantial justice has been done in the revocation or  
2 suspension of a license<sup>7</sup> or other disciplinary action, the  
3 Secretary Director may order re-hearing by the same or other  
4 boards.

5 ~~None of the functions, powers or duties enumerated in this~~  
6 ~~Section shall be exercised by the Department except upon the~~  
7 ~~action and report in writing of the Board.~~

8 (Source: P.A. 93-467, eff. 1-1-04.)

9 (225 ILCS 330/7) (from Ch. 111, par. 3257)

10 (Section scheduled to be repealed on January 1, 2010)

11 Sec. 7. Creation of the Board; Composition and  
12 qualifications and terms of the Board. The Board shall be  
13 appointed by the Secretary Director and shall consist of 7  
14 members, one of whom shall be a public member and 6 of whom  
15 shall be Professional Land Surveyors. The members shall be  
16 residents of Illinois. Each Professional Land Surveyor member  
17 shall (a) currently hold a valid Professional Land Surveyor  
18 license in Illinois and shall have held the license under this  
19 Act or its predecessor for the previous 10 year period, and (b)  
20 have not been disciplined within the last 10 year period under  
21 this Act or its predecessor. The public member ~~shall not be an~~  
22 ~~employee of the State of Illinois or of the federal government,~~  
23 ~~and~~ shall not be licensed under this Act or any other design  
24 profession licensing Act that the Department administers.

25 Members shall be appointed who reasonably represent the

1 different geographic areas of Illinois and shall serve for 5  
2 year terms, and until their successors are qualified and  
3 appointed. A member shall not be eligible for appointment to  
4 more than 10 years in a lifetime ~~more than 2 consecutive 5 year~~  
5 ~~terms~~. Appointments to fill vacancies shall be made for the  
6 unexpired portion of the term. ~~Initial terms shall begin on the~~  
7 ~~effective date of this Act~~. Board members currently appointed  
8 under this Act and in office on the effective date of this Act  
9 shall continue to hold office until their terms expire and they  
10 are replaced. All appointments shall be made on the basis of  
11 individual professional qualifications with the exception of  
12 the public member and shall not be based upon race, sex, or  
13 religious or political affiliations.

14 Each member of the Board may ~~shall~~ receive compensation  
15 when attending to the work of the Board or any of its  
16 committees and for time spent in necessary travel. In addition,  
17 members shall be reimbursed for actual traveling, incidentals,  
18 and expenses necessarily incurred in carrying out their duties  
19 as members of the Board.

20 The Secretary may ~~Director shall~~ consider the advice and  
21 recommendations of the Board on issues involving standards of  
22 professional conduct, discipline, and qualifications of the  
23 candidates and licensees under this Act.

24 The Secretary shall give due consideration to ~~The Director~~  
25 ~~shall make the Board appointments within 90 days of any~~  
26 ~~vacancy. The Professional Land Surveyor members shall be~~

1 ~~selected from~~ a current list of candidates ~~updated by June 1 of~~  
2 ~~each year~~, as submitted by members of the land surveying  
3 profession and by affiliated organizations.

4 Members of the Board shall be immune from suit in any  
5 action based upon any disciplinary proceedings or other  
6 activities performed in good faith as members of the Board.

7 The Secretary ~~Director~~ may remove any member of the Board  
8 for misconduct, incompetence, neglect of duty, or for any  
9 reason prescribed by law for removal of State Officials or for  
10 not attending 2 consecutive Board meetings.

11 (Source: P.A. 91-132, eff. 1-1-00.)

12 (225 ILCS 330/8) (from Ch. 111, par. 3258)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 8. Powers and duties of the Board; quorum. Subject to  
15 the provisions of this Act, the Board shall exercise the  
16 following functions, powers, and duties:

17 (a) Review applicant qualifications to sit for the  
18 examination or for licensure and shall make  
19 recommendations to the Department except for those  
20 applicant qualifications that the Board designates as  
21 routinely acceptable ~~Review education and experience~~  
22 ~~qualifications of applicants to determine eligibility as a~~  
23 ~~Professional Land Surveyor or Land Surveyor in Training~~  
24 ~~and submit to the Director written recommendations on~~  
25 ~~applicant qualifications for licensing;~~

1 (b) Conduct hearings regarding disciplinary actions  
2 and submit a written report to the Secretary ~~Director~~ as  
3 required by this Act and provide a Board member at informal  
4 conferences;

5 (c) Visit universities or colleges to evaluate  
6 surveying curricula and submit to the Secretary ~~Director~~ a  
7 written recommendation of acceptability of the curriculum;

8 (d) Submit a written recommendation to the Secretary  
9 ~~Director~~ concerning promulgation or amendment of rules for  
10 the administration of this Act;

11 (e) The Department may at any time seek the expert  
12 advice and knowledge of the Board on any matter relating to  
13 the enforcement of this Act;

14 (f) The Board may appoint a subcommittee to serve as a  
15 Complaint Committee to recommend the disposition of case  
16 files according to procedures established by rule;

17 (g) Hold at least 3 ~~4~~ regular meetings each year; and

18 (h) The Board shall annually elect a Chairperson and a  
19 Vice Chairperson who shall be licensed Illinois  
20 Professional Land Surveyors.

21 A quorum of the Board shall consist of 4 ~~a majority of~~  
22 ~~Board~~ members ~~appointed~~. A quorum is required for all Board  
23 decisions.

24 Subject to the provisions of this Act, the Board may  
25 exercise the following duties as deemed necessary by the  
26 Department: (i) review education and experience qualifications

1 of applicants, including conducting oral interviews; (ii)  
2 determine eligibility as a Professional Land Surveyor or Land  
3 Surveyor-in-Training; and (iii) submit to the Secretary  
4 recommendations on applicant qualifications for enrollment and  
5 licensure.

6 (Source: P.A. 93-467, eff. 1-1-04.)

7 (225 ILCS 330/9) (from Ch. 111, par. 3259)

8 (Section scheduled to be repealed on January 1, 2010)

9 Sec. 9. Deviation from Board recommendations. On matters  
10 concerning qualification of individuals for licensing,  
11 definition of curriculum content and approval of surveying  
12 curriculums, standards of professional conduct and  
13 disciplinary actions, and the promulgation and amendment of the  
14 rules affecting these matters, the Secretary ~~Director~~ shall  
15 notify the Board ~~in writing~~ with an explanation of any  
16 deviation from the Board's written recommendation or response.  
17 The Board shall have the opportunity to comment upon the  
18 Secretary's ~~Director's~~ decision after review of the  
19 Secretary's ~~Director's written~~ explanation of his reasons for  
20 deviation.

21 (Source: P.A. 86-987.)

22 (225 ILCS 330/10) (from Ch. 111, par. 3260)

23 (Section scheduled to be repealed on January 1, 2010)

24 Sec. 10. Application for original license. Every person who

1 desires to obtain a license shall apply to the Department in  
2 writing, upon forms prepared and furnished by the Department.  
3 Each application shall contain statements made under oath,  
4 showing the applicant's education, a detailed summary of his or  
5 her land surveying experience, and verification of the  
6 applicant's land surveying experience by the applicant's  
7 supervisor who shall be a ~~licensed~~ land surveyor licensed in  
8 this State or any other state or territory of the U.S. where  
9 experience is similar and who shall certify the applicant's  
10 experience, and the application shall be accompanied with the  
11 required fee. The Department may require an applicant, at the  
12 applicant's expense, to have an evaluation of the applicant's  
13 education in a foreign country by an evaluating service ~~a~~  
14 ~~nationally recognized educational body~~ approved by the  
15 Department Board ~~Board~~ in accordance with rules prescribed by the  
16 Department.

17 An applicant who graduated from a land surveying program  
18 outside the United States or its territories and whose first  
19 language is not English shall submit certification of passage  
20 of the Test of English as a Foreign Language (TOEFL) and a test  
21 of spoken English ~~the Test of Spoken English (TSE)~~ as defined  
22 by rule.

23 (Source: P.A. 91-132, eff. 1-1-00.)

24 (225 ILCS 330/12) (from Ch. 111, par. 3262)

25 (Section scheduled to be repealed on January 1, 2010)

1           Sec. 12. Qualifications for licensing.

2           (a) A person is qualified to receive a license as a  
3 Professional Land Surveyor and the Department shall issue a  
4 license to a person:

5           (1) who has applied in writing in the required form ~~and~~  
6 ~~substance~~ to the Department;

7           (2) (blank);

8           (2.5) who has not violated any provision of this Act or  
9 its rules;

10          (3) who is of good ethical character, including  
11 compliance with the Code of Ethics and Standards of  
12 Practice promulgated by rule pursuant to this Act, and has  
13 not committed an act or offense in any jurisdiction that  
14 would constitute grounds for discipline of a land surveyor  
15 licensed under this Act; ~~who is of good moral character;~~

16          (4) who has been issued a license as a Land  
17 Surveyor-in-Training;

18          (5) who, subsequent to passing the ~~an~~ examination  
19 authorized by the Department for licensure as a  
20 Surveyor-In-Training, has at least 4 years of responsible  
21 charge experience verified by a professional land surveyor  
22 in direct supervision and control of his or her activities;  
23 ~~and~~

24          (6) who has passed an examination authorized by the  
25 Department to determine his or her fitness to receive a  
26 license as a Professional Land Surveyor; and -

1           (7) who has a baccalaureate degree in a related science  
2           if he or she does not have a baccalaureate degree in land  
3           surveying from an accredited college or university.

4           (b) A person is qualified to receive a license as a Land  
5 Surveyor-in-Training and the Department shall issue a license  
6 to a person:

7           (1) who has applied in writing in the required form  
8 provided by ~~and substance to~~ the Department;

9           (2) (blank);

10           (3) who is of good moral character;

11           (4) who has the required education as set forth in this  
12 Act; and

13           (5) who has passed an examination authorized by the  
14 Department to determine his or her fitness to receive a  
15 license as a Land Surveyor-in-Training in accordance with  
16 this Act.

17           In determining moral character under this Section, the  
18 Department may take into consideration whether the applicant  
19 has engaged in conduct or actions that would constitute grounds  
20 for discipline under this Act.

21           (Source: P.A. 93-467, eff. 1-1-04.)

22           (225 ILCS 330/13) (from Ch. 111, par. 3263)

23           (Section scheduled to be repealed on January 1, 2010)

24           Sec. 13. Qualifications for examination for Licensed Land  
25 Surveyor-in-Training. Applicants for the examination for Land

1 Surveyor-in-Training shall have:

2 (1) a baccalaureate degree in Land Surveying as defined by  
3 rule from an accredited program ~~college or university; or~~

4 (2) a baccalaureate degree in a related science including  
5 at least 24 semester hours of land surveying courses from a  
6 Department Board approved curriculum of an accredited  
7 institution; ~~or~~

8 (3) an Associate of Science degree in surveying or a  
9 related science, at least 24 semester hours of land surveying  
10 courses from a Board approved curriculum of an accredited  
11 institution, and at least 2 years of land surveying experience  
12 verified by a professional land surveyor that was in direct  
13 supervision and control of his or her activities; or

14 (4) a high school diploma or equivalent, at least 24  
15 semester hours of land surveying courses from a Board approved  
16 curriculum of an accredited institution, and at least 4 years  
17 of land surveying experience verified by a professional land  
18 surveyor that was in direct supervision and control of his or  
19 her activities.

20 (Source: P.A. 91-132, eff. 1-1-00.)

21 (225 ILCS 330/16.5)

22 (Section scheduled to be repealed on January 1, 2010)

23 Sec. 16.5. Unlicensed practice; violation; civil penalty.

24 (a) Any person who practices, offers to practice, attempts  
25 to practice, or holds oneself out to practice as a professional

1 land surveyor or as a land surveyor-in-training without being  
2 licensed under this Act shall, in addition to any other penalty  
3 provided by law, pay a civil penalty to the Department in an  
4 amount not to exceed \$10,000 ~~\$5,000~~ for each offense as  
5 determined by the Department. The civil penalty shall be  
6 assessed by the Department after a hearing is held in  
7 accordance with the provisions set forth in this Act regarding  
8 the provision of a hearing for the discipline of a licensee.

9 (b) The Department has the authority and power to  
10 investigate any and all unlicensed activity.

11 (c) The civil penalty shall be paid within 60 days after  
12 the effective date of the order imposing the civil penalty. The  
13 order shall constitute a judgment and may be filed and  
14 execution had thereon in the same manner as any judgment from  
15 any court of record.

16 (Source: P.A. 89-474, eff. 6-18-96.)

17 (225 ILCS 330/18) (from Ch. 111, par. 3268)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 18. Renewal, reinstatement or restoration of license;  
20 Persons in military service.

21 (a) The expiration date and renewal period for each license  
22 as a Professional Land Surveyor issued under this Act shall be  
23 set by rule. The holder of a license may renew such license  
24 during the month preceding the expiration date by paying the  
25 required fee.

1       (b) Any Professional Land Surveyor whose license has been  
2 inactive for less than 5 years is required to pay the current  
3 renewal fee and shall have his or her license restored.

4       ~~If the Professional Land Surveyor has not maintained an~~  
5 ~~active practice in another jurisdiction satisfactory to the~~  
6 ~~Department, the Department shall determine, by an evaluation~~  
7 ~~program established by rule, the person's fitness to resume~~  
8 ~~active status and may require that person to successfully~~  
9 ~~complete an examination.~~

10       (c) A Professional Land Surveyor whose license has been  
11 expired for more than 5 years may have the license restored by  
12 making application to the Department and filing proof  
13 acceptable to the Department Board of fitness to have the  
14 license restored, including, but not limited to, sworn evidence  
15 certifying to active practice in another jurisdiction and  
16 payment of the required renewal, reinstatement or restoration  
17 fee.

18       However, any Professional Land Surveyor whose license  
19 expired while engaged (a) in federal service on active duty  
20 with the armed forces of the United States, or the State  
21 Militia called into active service or training, or (b) in  
22 training or education under the supervision of the United  
23 States preliminary to induction into the military service, may  
24 have a license renewed without paying any lapsed reinstatement  
25 or restoration fees upon passing an oral examination by the  
26 Board, or without taking any examination, if approved by the

1 Board, if, within 2 years after the termination other than by  
2 dishonorable discharge of such service, training, or  
3 education, the licensee furnishes the Department with an  
4 affidavit to the effect the licensee was so engaged and that  
5 the service, training, or education has so terminated.

6 (d) A license for a Land Surveyor-in-Training is valid for  
7 10 years and may not be renewed.

8 (Source: P.A. 91-132, eff. 1-1-00.)

9 (225 ILCS 330/19) (from Ch. 111, par. 3269)

10 (Section scheduled to be repealed on January 1, 2010)

11 Sec. 19. Inactive status; Restoration. Any person  
12 ~~Professional Land Surveyor~~ who notifies the Department, l  
13 writing on forms prescribed by the Department, l may ~~elect to~~  
14 place his or her license on an inactive status and shall l  
15 ~~subject to rules of the Department,~~ be excused from the payment  
16 of renewal fees until he or she notifies the Department in  
17 writing of the intention ~~desire~~ to resume active status.

18 Any Professional Land Surveyor requesting restoration from  
19 inactive status is required to pay the current renewal fee and  
20 shall have his or her license restored. A Professional Land  
21 Surveyor whose license has been on inactive status for more  
22 than 5 years may have the license restored by making  
23 application to the Department and filing proof acceptable to  
24 the Board of fitness to have the license restored, including,  
25 but not limited to, sworn evidence certifying to active

1 practice in another jurisdiction and payment of the required  
2 renewal, reinstatement or restoration fee.

3 Any Professional Land Surveyor whose license is in an  
4 inactive status shall not practice land surveying in the State  
5 of Illinois.

6 (Source: P.A. 86-987.)

7 (225 ILCS 330/23) (from Ch. 111, par. 3273)

8 (Section scheduled to be repealed on January 1, 2010)

9 Sec. 23. Address of Record ~~Change of address;~~ Names of  
10 licensed surveyors to be published. It is the responsibility  
11 of a Professional Land Surveyor or Land Surveyor-in-Training to  
12 inform the Department of any change of address or name. The  
13 Department shall maintain a roster of names and addresses of  
14 all professional land surveyors and professional design firms,  
15 partnerships, and corporations licensed or registered under  
16 this Act. This roster shall be available upon request and  
17 payment of the required fee. ~~The Department shall, at least~~  
18 ~~annually, publish a list of the names of all Professional Land~~  
19 ~~Surveyors who are in good standing as of the date the list is~~  
20 ~~prepared for publication and of all persons whose licenses have~~  
21 ~~been suspended or revoked within the previous year, together~~  
22 ~~with such other information relative to the enforcement of the~~  
23 ~~provisions of this Act as it may deem of interest to the~~  
24 ~~public. Upon request, such lists shall be mailed to the County~~  
25 ~~Clerk as a public record. Such lists shall also be mailed by~~

1 ~~the Department to any person in the State upon request, and~~  
2 ~~payment of the required fee.~~

3 (Source: P.A. 86-987.)

4 (225 ILCS 330/25) (from Ch. 111, par. 3275)

5 (Section scheduled to be repealed on January 1, 2010)

6 Sec. 25. Professional design firm registration.

7 (a) Nothing in this Act shall prohibit the formation, under  
8 the provisions of the Professional Service Corporation Act, of  
9 a corporation to offer the practice of professional land  
10 surveying.

11 Any business, including a Professional Service  
12 Corporation, that includes within its stated purposes or  
13 practices, or holds itself out as available to practice,  
14 professional land surveying shall be registered with the  
15 Department pursuant to the provisions set forth in this  
16 Section.

17 Any sole proprietorship not owned and operated by an  
18 Illinois licensed design professional licensed under this Act  
19 shall be prohibited from offering professional land surveyor  
20 services to the public. Any sole proprietorship owned and  
21 operated by a professional land surveyor with an active license  
22 issued under this Act and conducting or transacting such  
23 business under an assumed name in accordance with the  
24 provisions of the Assumed Business Name Act shall comply with  
25 the registration requirements of a professional design firm.

1 Any sole proprietorship owned and operated by a Professional  
2 Land Surveyor with an active license issued under this Act and  
3 conducting or transacting such business under the real name of  
4 the sole proprietor is exempt from the registration  
5 requirements of a professional design firm. "Illinois licensed  
6 design professional" means a person who holds an active license  
7 as a professional engineer under the Professional Engineering  
8 Practice Act of 1989, as an architect under the Illinois  
9 Architecture Practice Act of 1989, as a structural engineer  
10 under the Structural Engineering Practice Act of 1989, or as a  
11 Professional Land Surveyor under this Act.

12 (b) Any professional design firm seeking to be registered  
13 pursuant to the provisions of this Section shall not be  
14 registered unless one or more managing agents in charge of land  
15 surveyor activities in this State are designated by the  
16 professional design firm. Each managing agent must at all times  
17 maintain a valid, active license to practice professional land  
18 surveying in Illinois.

19 No individual whose license to practice professional land  
20 surveying in this State is currently in a suspended or revoked  
21 state shall act as a managing agent for a professional design  
22 firm.

23 (c) Any business seeking to be registered under this  
24 Section shall make application on a form provided by the  
25 Department and shall provide such information as requested by  
26 the Department, which shall include, but not be limited to:

1           (1) the name and license number of the person  
2           designated as the managing agent in responsible charge of  
3           the practice of professional land surveying in Illinois. In  
4           the case of a corporation, the corporation shall also  
5           submit a certified copy of the resolution by the board of  
6           directors designating the managing agent. In the case of a  
7           limited liability company, the company shall submit a  
8           certified copy of either its articles of organization or  
9           operating agreement designating the managing agent;

10          (2) the names and license numbers of the directors, in  
11          the case of a corporation, the members, in the case of a  
12          limited liability company, or general partners, in the case  
13          of a partnership;

14          (3) a list of all office locations at which the  
15          professional design firm provides professional land  
16          surveying services to the public; and

17          (4) a list of all assumed names of the business.  
18          Nothing in this Section shall be construed to exempt a  
19          professional design firm, sole proprietorship, or  
20          professional service corporation from compliance with the  
21          requirements of the Assumed Business Name Act.

22          It is the responsibility of the professional design firm to  
23          provide the Department notice, in writing, of any changes in  
24          the information requested on the application.

25          (d) The Department shall issue to each business a  
26          certificate of registration to practice professional land

1 surveying or offer the services of its licensees in this State  
2 upon submittal of a proper application for registration and  
3 payment of fees. The expiration date and renewal period for  
4 each registration and renewal procedures shall be established  
5 by rule.

6 (e) In the event a managing agent is terminated or  
7 terminates his or her status as managing agent of the  
8 professional design firm, the managing agent and a professional  
9 design firm shall notify the Department of this fact in  
10 writing, by certified mail, within 10 business days of such  
11 termination. Thereafter, the professional design firm, if it  
12 has so informed the Department, shall have 30 days in which to  
13 notify the Department of the name and licensure number of a  
14 newly designated managing agent. If a corporation, the  
15 corporation shall also submit a certified copy of a resolution  
16 by the board of directors designating the new managing agent.  
17 If a limited liability company, the company shall also submit a  
18 certified copy of either its articles of organization or  
19 operating agreement designating the new managing agent. The  
20 Department may, upon good cause shown, extend the original 30  
21 day period.

22 If the professional design firm has not notified the  
23 Department in writing, by certified mail within the specified  
24 time, the registration shall be terminated without prior  
25 hearing. Notification of termination shall be sent by certified  
26 mail to the address of record ~~last known address~~ of the

1 business. If the professional design firm continues to operate  
2 and offer professional land surveyor services after the  
3 termination, the Department may seek prosecution under  
4 Sections 27, 43, and 16.5 ~~46~~ of this Act for the unlicensed  
5 practice of professional land surveying.

6 No professional design firm shall be relieved of  
7 responsibility for the conduct or acts of its agent, employees,  
8 members, managers, or officers by reason of its compliance with  
9 this Section, nor shall any individual practicing professional  
10 land surveying be relieved of the responsibility for  
11 professional services performed by reason of the individual's  
12 employment or relationship with a professional design firm  
13 registered under this Section.

14 (g) Disciplinary action against a professional design firm  
15 registered under this Section shall be administered in the same  
16 manner and on the same grounds as disciplinary action against a  
17 licensed professional land surveyor. All disciplinary action  
18 taken or pending against a corporation or partnership before  
19 the effective date of this amendatory Act of 1999 shall be  
20 continued or remain in effect without the Department filing  
21 separate actions.

22 (h) Any professional services corporation, sole  
23 proprietorship, or professional design firm offering land  
24 surveying services must have a resident professional land  
25 surveyor whose license is not suspended or revoked overseeing  
26 the land surveying practices in each location in which land

1 surveying services are provided.

2 (Source: P.A. 91-132, eff. 1-1-00.)

3 (225 ILCS 330/27) (from Ch. 111, par. 3277)

4 (Section scheduled to be repealed on January 1, 2010)

5 Sec. 27. Grounds for disciplinary action.

6 (a) The Department may, ~~singularly or in combination,~~  
7 refuse to issue, ~~restore,~~ or renew a license, ~~or may revoke or~~  
8 ~~suspend a license or registration,~~ or may place on probation or  
9 administrative supervision, suspend, or revoke any license, or  
10 may, ~~censure,~~ reprimand or take any disciplinary or  
11 non-disciplinary action as the Department may deem proper,  
12 including the imposition of fines ~~impose a civil penalty~~ not to  
13 exceed \$10,000 per violation, upon any person, corporation,  
14 partnership, or professional land surveying firm licensed or  
15 registered under this Act for any ~~one or combination~~ of the  
16 following reasons:

17 (1) material misstatement in furnishing information to  
18 the Department;

19 (2) violation, including, but not limited to, neglect  
20 or intentional disregard, of this Act, or its rules;

21 (3) conviction of, or entry of a plea of guilty or nolo  
22 contendere to, any crime that is a felony under the laws of  
23 the United States or any state or territory thereof or that  
24 is a misdemeanor of which an essential element is  
25 dishonesty, or any crime that is directly related to the

1 ~~practice of the profession; conviction of any crime under~~  
2 ~~the laws of the United States, or any state or territory~~  
3 ~~thereof, which is a felony, whether related to practice or~~  
4 ~~not, or conviction of any crime, whether a felony,~~  
5 ~~misdemeanor, or otherwise, an essential element of which is~~  
6 ~~dishonesty or which is directly related to the practice of~~  
7 ~~land surveying;~~

8 (4) making any misrepresentation for the purpose of  
9 obtaining a license, or in applying for restoration or  
10 renewal, or the practice of any fraud or deceit in taking  
11 any examination to qualify for licensure under this Act;

12 (5) purposefully making false statements or signing  
13 false statements, certificates, or affidavits to induce  
14 payment;

15 (6) proof of carelessness, incompetence, negligence,  
16 or misconduct in practicing land surveying;

17 (7) aiding or assisting another person in violating any  
18 provision of this Act or its rules;

19 (8) failing to provide information in response to a  
20 written request made by the Department within 30 days after  
21 receipt of such written request;

22 (9) engaging in dishonorable, unethical, or  
23 unprofessional conduct of a character likely to deceive,  
24 defraud, or harm the public;

25 (10) inability to practice with reasonable judgment,  
26 skill, or safety as a result of habitual or excessive use

1 of, or addiction to, alcohol, narcotics, stimulants or any  
2 other chemical agent or drug; ~~habitual intoxication or~~  
3 ~~addiction to the use of drugs;~~

4 (11) discipline by the United States government,  
5 another state, District of Columbia, territory, foreign  
6 nation or government agency if at least one of the grounds  
7 for the discipline is the same or substantially equivalent  
8 to those set forth in this Act;

9 (12) directly or indirectly giving to or receiving from  
10 any person, firm, corporation, partnership, or association  
11 any fee, commission, rebate, or other form of compensation  
12 for any professional services not actually or personally  
13 rendered;

14 (12.5) issuing a map or plat of survey where the fee  
15 for professional services is contingent on a real estate  
16 transaction closing;

17 (13) a finding by the Department ~~Board~~ that an  
18 applicant or licensee has failed to pay a fine imposed by  
19 the Department or a licensee whose license has been placed  
20 on probationary status has violated the terms of probation;

21 (14) practicing on an expired, inactive, suspended, or  
22 revoked license;

23 (15) signing, affixing the Professional Land  
24 Surveyor's seal or permitting the Professional Land  
25 Surveyor's seal to be affixed to any map or plat of survey  
26 not prepared by the Professional Land Surveyor or under the

1 Professional Land Surveyor's direct supervision and  
2 control;

3 ~~(16) physical illness, including but not limited to~~  
4 ~~deterioration through the aging process or loss of motor~~  
5 ~~skill, which results in the inability to practice the~~  
6 profession with reasonable judgment, skill, or safety as a  
7 result of physical illness, including, but not limited to,  
8 deterioration through the aging process or loss of motor  
9 skill or a mental illness or disability;

10 (17) (blank); or ~~issuing a check or other guarantee to~~  
11 ~~the order of the Department which is not honored on 2~~  
12 ~~occasions by the financial institution upon which it is~~  
13 ~~drawn because of insufficient funds;~~

14 (18) failure to adequately supervise or control land  
15 surveying operations being performed by subordinates.

16 (a-5) In enforcing this Section, the Department or Board,  
17 upon a showing of a possible violation, may compel a person  
18 licensed to practice under this Act, or who has applied for  
19 licensure or certification pursuant to this Act, to submit to a  
20 mental or physical examination, or both, as required by and at  
21 the expense of the Department. The Department or Board may  
22 order the examining physician to present testimony concerning  
23 the mental or physical examination of the licensee or  
24 applicant. No information shall be excluded by reason of any  
25 common law or statutory privilege relating to communications  
26 between the licensee or applicant and the examining physician.

1 The examining physicians shall be specifically designated by  
2 the Board or Department. The individual to be examined may  
3 have, at his or her own expense, another physician of his or  
4 her choice present during all aspects of the examination.  
5 Failure of an individual to submit to a mental or physical  
6 examination when directed shall be grounds for the immediate  
7 suspension of his or her license until the individual submits  
8 to the examination if the Department finds that the refusal to  
9 submit to the examination was without reasonable cause as  
10 defined by rule.

11 If the Secretary immediately suspends the license of a  
12 licensee for his or her failure to submit to a mental or  
13 physical examination when directed, a hearing must be convened  
14 by the Department within 15 days after the suspension and  
15 completed without appreciable delay.

16 If the Secretary otherwise suspends a person's license  
17 pursuant to the results of a compelled mental or physical  
18 examination, a hearing on that person's license must be  
19 convened by the Department within 15 days after the suspension  
20 and completed without appreciable delay. The Department and  
21 Board shall have the authority to review the subject  
22 individual's record of treatment and counseling regarding  
23 impairment to the extent permitted by applicable federal  
24 statutes and regulations safeguarding the confidentiality of  
25 medical records.

26 Any licensee suspended under this subsection (a-5) shall be

1 afforded an opportunity to demonstrate to the Department or  
2 Board that he or she can resume practice in compliance with the  
3 acceptable and prevailing standards under the provisions of his  
4 or her license. ~~In enforcing this Section, the Board upon a~~  
5 ~~showing of a possible violation may compel a person licensed to~~  
6 ~~practice under this Act, or who has applied for licensure or~~  
7 ~~certification pursuant to this Act, to submit to a mental or~~  
8 ~~physical examination, or both, as required by and at the~~  
9 ~~expense of the Department. The examining physicians shall be~~  
10 ~~those specifically designated by the Board. The Board or the~~  
11 ~~Department may order the examining physician to present~~  
12 ~~testimony concerning this mental or physical examination of the~~  
13 ~~licensee or applicant. No information shall be excluded by~~  
14 ~~reason of any common law or statutory privilege relating to~~  
15 ~~communications between the licensee or applicant and the~~  
16 ~~examination physician. The person to be examined may have, at~~  
17 ~~his or her own expense, another physician of his or her choice~~  
18 ~~present during all aspects of the examination. Failure of any~~  
19 ~~person to submit to a mental or physical examination, when~~  
20 ~~directed, shall be grounds for suspension of a licensee until~~  
21 ~~the person submits to the examination if the Board finds, after~~  
22 ~~notice and hearing, that the refusal to submit to the~~  
23 ~~examination was without reasonable cause.~~

24 ~~If the Board finds a person unable to practice because of~~  
25 ~~the reasons set forth in this Section, the Board may require~~  
26 ~~that person to submit to care, counseling, or treatment by~~

1 ~~physicians approved or designated by the Board as a condition,~~  
2 ~~term, or restriction for continued, reinstated, or renewed~~  
3 ~~licensure to practice; or, in lieu of care, counseling, or~~  
4 ~~treatment, the Board may recommend to the Department to file a~~  
5 ~~complaint to immediately suspend, revoke, or otherwise~~  
6 ~~discipline the license of the person. Any person whose license~~  
7 ~~was granted, continued, reinstated, renewed, disciplined, or~~  
8 ~~supervised subject to such terms, conditions, or restrictions~~  
9 ~~and who fails to comply with such terms, conditions, or~~  
10 ~~restrictions shall be referred to the Director for a~~  
11 ~~determination as to whether the person shall have his or her~~  
12 ~~license suspended immediately, pending a hearing by the Board.~~

13 (b) The determination by a circuit court that a licensee is  
14 subject to involuntary admission or judicial admission as  
15 provided in the Mental Health and Developmental Disabilities  
16 Code, as now or hereafter amended, operates as an automatic  
17 license suspension. Such suspension will end only upon a  
18 finding by a court that the patient is no longer subject to  
19 involuntary admission or judicial admission and the issuance of  
20 an order so finding and discharging the patient and upon the  
21 recommendation of the Board to the Director that the licensee  
22 be allowed to resume his or her practice.

23 (c) The Department shall deny a license or renewal  
24 authorized by this Act to a person who has defaulted on an  
25 educational loan or scholarship provided or guaranteed by the  
26 Illinois Student Assistance Commission or any governmental

1 agency of this State in accordance with subdivision (a) (5) of  
2 Section 15 of the Department of Professional Regulation Law of  
3 the Civil Administrative Code of Illinois (20 ILCS  
4 2105/2105-15).

5 (d) In cases where the Department of Healthcare and Family  
6 Services (formerly the Department of Public Aid) has previously  
7 determined that a licensee or a potential licensee is more than  
8 30 days delinquent in the payment of child support and has  
9 subsequently certified the delinquency to the Department, the  
10 Department shall refuse to issue or renew or shall revoke or  
11 suspend that person's license or shall take other disciplinary  
12 action against that person based solely upon the certification  
13 of delinquency made by the Department of Healthcare and Family  
14 Services in accordance with subdivision (a) (5) of Section 15 of  
15 the Department of Professional Regulation Law of the Civil  
16 Administrative Code of Illinois (20 ILCS 2105/2105-15).

17 (e) The Department shall refuse to issue or renew or shall  
18 revoke or suspend a person's license or shall take other  
19 disciplinary action against that person for his or her failure  
20 to file a return, to pay the tax, penalty, or interest shown in  
21 a filed return, or to pay any final assessment of tax, penalty,  
22 or interest as required by any tax Act administered by the  
23 Department of Revenue, until such time as the requirements of  
24 the tax Act are satisfied in accordance with subsection (g) of  
25 Section 15 of the Department of Professional Regulation Law of  
26 the Civil Administrative Code of Illinois (20 ILCS

1 2105/2105-15).

2 (Source: P.A. 91-132, eff. 1-1-00.)

3 (225 ILCS 330/28) (from Ch. 111, par. 3278)

4 (Section scheduled to be repealed on January 1, 2010)

5 Sec. 28. ~~Violation;~~ Injunction; Cease and desist order.  
6 ~~Each of the following acts is declared to be inimical to the~~  
7 ~~public welfare and to constitute a public nuisance:~~

8 (a) If any person violates the provisions of this Act, the  
9 Secretary, in the name of the people of the State of Illinois,  
10 through the Attorney General or the State's Attorney of the  
11 county in which the violation is alleged to have occurred may  
12 petition for an order enjoining the violation or for an order  
13 enforcing compliance with this Act. Upon the filing of a  
14 verified petition, the court with appropriate jurisdiction may  
15 issue a temporary restraining order, without notice or bond,  
16 and may preliminarily and permanently enjoin the violation. If  
17 it is established that the person has violated or is violating  
18 the injunction, the court may punish the offender for contempt  
19 of court. Proceedings under this Section are in addition to and  
20 not in lieu of any other remedies and penalties provided by  
21 this Act. ~~The practice or attempt to practice land surveying~~  
22 ~~without a license or authority to practice as a Professional~~  
23 ~~Land Surveyor.~~

24 (a-5) Whenever, in the opinion of the Department, a person  
25 violates any provision of this Act, the Department may issue a

1 rule to show cause why an order to cease and desist should not  
2 be entered against that person. The rule shall clearly set  
3 forth the grounds relied upon by the Department and shall allow  
4 at least 7 days from the date of the rule to file an answer  
5 satisfactory to the Department. Failure to answer to the  
6 satisfaction of the Department shall cause an order to cease  
7 and desist to be issued.

8 (b) (Blank). The use of the title "Illinois Professional  
9 Land Surveyor" or the abbreviation "P.L.S." or "L.S." or any  
10 words or letters indicating that a person is a Professional  
11 Land Surveyor or Land Surveyor by any person who has not  
12 received a license or authority to practice as an Illinois  
13 Professional Land Surveyor.

14 The Director may, in the name of the People of the State of  
15 Illinois, through the Attorney General of the State of  
16 Illinois, or the State's Attorney of any county in the State of  
17 Illinois, apply to the circuit court for an injunction to  
18 enjoin any person from engaging in any of the practices named  
19 and paragraphs (a) and (b). Upon the filing of a verified  
20 petition in such court, the court, if satisfied by affidavit or  
21 otherwise that such person is or has been engaged in any of the  
22 practices named in paragraphs (a) and (b), may issue a  
23 temporary restraining order or preliminary injunction, without  
24 notice or bond, enjoining the defendant from further engaging  
25 in such practices. A copy of the verified petition shall be  
26 served upon the defendant and the proceedings shall thereafter

1 ~~be conducted as in other civil cases. If it is established that~~  
2 ~~the defendant has been, or is engaged in any of the practices~~  
3 ~~named in paragraphs (a) and (b), the court may enter a decree~~  
4 ~~perpetually enjoining such defendant from further engaging in~~  
5 ~~those practices. In case of violation of any injunction issued~~  
6 ~~under the provisions of this Section, the court may summarily~~  
7 ~~try and punish the offender for contempt of court. An~~  
8 ~~injunction proceeding is in addition to and not in lieu of all~~  
9 ~~penalties and other remedies provided in this Act.~~

10 ~~Whenever, in the opinion of the Department, any person~~  
11 ~~violates any provision of this Act, the Department may issue a~~  
12 ~~rule to show cause why an order to cease and desist should not~~  
13 ~~be entered against that person. The rule shall clearly set~~  
14 ~~forth the grounds relied upon by the Department and shall~~  
15 ~~provide a period of 7 days from the date of the rule to file an~~  
16 ~~answer to the satisfaction of the Department. Failure to answer~~  
17 ~~to the satisfaction of the Department shall cause an order to~~  
18 ~~cease and desist to be issued immediately.~~

19 (Source: P.A. 86-987.)

20 (225 ILCS 330/29) (from Ch. 111, par. 3279)

21 (Section scheduled to be repealed on January 1, 2010)

22 Sec. 29. Investigations; notice and hearing. ~~A license or~~  
23 ~~registration issued under the provisions of this Act may be~~  
24 ~~revoked, suspended, not renewed or restored, or otherwise~~  
25 ~~disciplined, or applications for license or registration may be~~

1 ~~refused, in the manner set forth in this Act.~~ The Department  
2 may, ~~upon its own action, and shall, upon the verified~~  
3 ~~complaint in writing of any person setting forth facts which,~~  
4 ~~if proven, would constitute grounds for discipline,~~  
5 investigate the actions of any person or other entity holding,  
6 applying for or claiming to hold a license, or practicing or  
7 offering to practice land surveying. Before the initiation of  
8 an investigation, the matter shall be reviewed by a  
9 subcommittee of the Board according to procedures established  
10 by rule for the Complaint Committee. The Department shall,  
11 before refusing to issue, renew or restore, suspending or  
12 revoking any license or registration, or imposing any other  
13 disciplinary action, at least 30 days prior to the date set for  
14 the hearing, notify the person accused in writing of any  
15 charges made and shall direct the person or entity to file a  
16 written answer to the Board under oath within 20 days after the  
17 service of the notice and inform the person or entity that if  
18 the person or entity fails to file an answer default will be  
19 taken and that the license or certificate may be suspended,  
20 revoked, placed on probationary status, or other disciplinary  
21 action may be taken, including limiting the scope, nature or  
22 extent of practice, as the Secretary ~~Director~~ may deem proper.  
23 ~~The Department shall afford the accused person or entity an~~  
24 ~~opportunity to be heard in person or by counsel in reference to~~  
25 ~~the charges.~~ This written notice may be served by personal  
26 delivery to the accused person or entity or certified mail to

1 the last address specified by the accused person or entity in  
2 the last notification to the Department. In case the person or  
3 entity fails to file an answer after receiving notice, his or  
4 her license or certificate may, in the discretion of the  
5 Department, be suspended, revoked, or placed on probationary  
6 status, or the Department may take whatever disciplinary action  
7 deemed proper, including limiting the scope, nature, or extent  
8 of the person's practice or the imposition of a fine, without a  
9 hearing, if the act or acts charged constitute sufficient  
10 grounds for such action under this Act. At the time and place  
11 fixed in the notice, the Board shall hear the charges and the  
12 accused person or entity shall be accorded ample opportunity to  
13 present any statements, testimony, evidence and argument as may  
14 be relevant to the charges or their defense. The Board may  
15 continue the hearing from time to time.

16 The Department Board may from time to time ~~and in~~  
17 ~~co-operation with the Department's legal advisors~~ employ  
18 individual land surveyors possessing the same minimum  
19 qualifications as required for Board candidates to assist with  
20 its investigative duties.

21 Persons who assist the Department as consultants or expert  
22 witnesses in the investigation or prosecution of alleged  
23 violations of the Act, licensure matters, restoration  
24 proceedings, or criminal prosecutions, are not liable for  
25 damages in any civil action or proceeding as a result of their  
26 assistance, except upon proof of actual malice. The Attorney

1 General shall defend these persons in any such action or  
2 proceeding.

3 (Source: P.A. 93-467, eff. 1-1-04.)

4 (225 ILCS 330/30) (from Ch. 111, par. 3280)

5 (Section scheduled to be repealed on January 1, 2010)

6 Sec. 30. Stenographer; transcript. The Department, at its  
7 expense, shall provide a stenographer to take down the  
8 testimony and preserve a record of all proceedings at the  
9 hearing of any case where a license is revoked, suspended, or  
10 other disciplinary action is taken. The notice of hearing,  
11 complaint and all other documents in the nature of pleadings  
12 and written motions filed in the proceedings, the transcript of  
13 testimony, the report of the Board and the orders of the  
14 Department shall be the record of the proceedings. ~~The~~  
15 ~~Department shall furnish a transcript of the record to any~~  
16 ~~person interested in the hearing upon payment of the fee~~  
17 ~~required under Section 2105 115 of the Department of~~  
18 ~~Professional Regulation Law (20 ILCS 2105/2105 115).~~

19 (Source: P.A. 91-239, eff. 1-1-00.)

20 (225 ILCS 330/31) (from Ch. 111, par. 3281)

21 (Section scheduled to be repealed on January 1, 2010)

22 Sec. 31. Subpoenas, depositions, oaths. ~~Testimony; Oath.~~  
23 The Department has the power to subpoena documents, books,  
24 records, or other materials and to bring before it any person

1 and to take testimony either orally or by deposition, or both,  
2 with the same fees and mileage and in the same manner as is  
3 prescribed in civil cases in the courts of this State.

4 The Secretary, the designated hearing officer, and every  
5 member of the Board has the power to administer oaths to  
6 witnesses at any hearing that the Department is authorized to  
7 conduct and any other oaths authorized in any Act administered  
8 by the Department. ~~the Department has power to subpoena and~~  
9 ~~bring before it any person in this State and to take testimony~~  
10 ~~either orally or by deposition, or both, with the same fees and~~  
11 ~~mileage and in the same manner as prescribed by law in judicial~~  
12 ~~proceedings in civil cases in circuit courts of this State.~~

13 ~~The Director, and any member of the Board, each has power~~  
14 ~~to administer oaths to witnesses at any hearing which the~~  
15 ~~Department is authorized by law to conduct, and any other oaths~~  
16 ~~required or authorized in any Act administered by the~~  
17 ~~Department.~~

18 (Source: P.A. 86-987.)

19 (225 ILCS 330/33) (from Ch. 111, par. 3283)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 33. Notice of hearing; Findings and recommendations.  
22 At the conclusion of the hearing the Board shall present to the  
23 Secretary ~~Director~~ a written report of its findings and  
24 recommendations. The report shall contain a finding whether or  
25 not the accused person violated this Act or failed to comply

1 with the conditions required in this Act. The Board shall  
2 specify the nature of the violation or failure to comply, and  
3 shall make its recommendations to the Secretary ~~Director~~.

4 The report of findings and recommendations of the Board  
5 shall be the basis for the Department's order unless the  
6 Secretary disagrees with the Board ~~Director determines that the~~  
7 ~~Board report is contrary to the manifest weight of the evidence~~  
8 ~~or law~~, in which case the Secretary ~~Director~~ may issue an order  
9 in contravention of the Board report stating the reasons for  
10 the order. The report, findings, and recommendations are not  
11 admissible in evidence against the person in a criminal  
12 prosecution brought for the violation of this Act, but the  
13 hearing and findings are not a bar to a criminal prosecution  
14 brought for the violation of this Act.

15 (Source: P.A. 86-987.)

16 (225 ILCS 330/34) (from Ch. 111, par. 3284)

17 (Section scheduled to be repealed on January 1, 2010)

18 Sec. 34. Board; Rehearing. A ~~In any case involving the~~  
19 ~~refusal to issue, restore or renew a license or the~~  
20 ~~disciplining of a licensee, a copy of the Board's report shall~~  
21 be served upon the respondent by the Department, either  
22 personally or as provided in this Act for the service of the  
23 notice of hearing. Within 20 days after such service, the  
24 respondent may present to the Department a motion in writing  
25 for a rehearing which shall specify the particular grounds for

1 rehearing. If no motion for rehearing is filed, then upon the  
2 expiration of the time specified for filing the motion, or if a  
3 motion for rehearing is denied, then upon such denial, the  
4 Secretary ~~Director~~ may enter an order in accordance with  
5 recommendations of the Board except as provided in Section 33  
6 of this Act. If the respondent orders from the reporting  
7 service and pays for a transcript of the record within the time  
8 for filing a motion for rehearing, the 20 day period within  
9 which the motion may be filed shall commence upon the delivery  
10 of the transcript to the respondent.

11 (Source: P.A. 86-987.)

12 (225 ILCS 330/35) (from Ch. 111, par. 3285)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 35. Secretary; rehearing. ~~Director; Rehearing.~~  
15 Whenever the Secretary believes that substantial justice has  
16 not been done in the revocation, suspension, or refusal to  
17 issue, restore, or renew a license, or other discipline of an  
18 applicant or licensee, he or she may order a rehearing by the  
19 same or another examiner. ~~Whenever the Director is not~~  
20 ~~satisfied that substantial justice has been done in the~~  
21 ~~revocation, suspension, or refusal to issue or renew a license~~  
22 ~~or other disciplinary proceeding, the Director may order a~~  
23 ~~rehearing by the same or another board appointed to rehear the~~  
24 ~~matter.~~

25 (Source: P.A. 86-987.)

1 (225 ILCS 330/36) (from Ch. 111, par. 3286)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 36. Appointment of a hearing officer. Notwithstanding  
4 the provisions of Section 33 of this Act, the Secretary  
5 ~~Director~~ has the authority to appoint any attorney duly  
6 licensed to practice law in the State of Illinois to serve as  
7 the hearing officer in any action ~~for discipline of a licensee.~~  
8 ~~The Director shall notify the Board of any such appointment.~~  
9 The hearing officer has full authority to conduct the hearing.  
10 The Board has the right to have at least one member present at  
11 any hearing conducted by such hearing officer. The hearing  
12 officer shall report his findings of fact, conclusions of law  
13 and recommendations to the Board and the Secretary ~~Director~~.  
14 The Board shall have 60 days from receipt of the report to  
15 review the report of the hearing officer and present their  
16 findings of fact, conclusions of law and recommendations to the  
17 Secretary ~~Director~~. If the Board fails to present its report  
18 within the 60 day period, the Secretary ~~Director~~ shall issue an  
19 order based on the report of the hearing officer. If the  
20 Secretary ~~Director~~ disagrees in any regard with the report of  
21 the Board or hearing officer, he may issue an order in  
22 contravention thereof. The Secretary ~~Director~~ shall provide a  
23 written explanation to the Board on any such deviation, ~~and~~  
24 ~~shall specify with particularity the reasons for such action in~~  
25 ~~the final order.~~

1 (Source: P.A. 86-987.)

2 (225 ILCS 330/36.1) (from Ch. 111, par. 3286.1)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 36.1. Returned checks; fines. Any person who delivers  
5 a check or other payment to the Department that is returned to  
6 the Department unpaid by the financial institution upon which  
7 it is drawn shall pay to the Department, in addition to the  
8 amount already owed to the Department, a fine of \$50. The fines  
9 imposed by this Section are in addition to any other discipline  
10 provided under this Act for unlicensed practice or practice on  
11 a nonrenewed license. The Department shall notify the person  
12 that payment of fees and fines shall be paid to the Department  
13 by certified check or money order within 30 calendar days of  
14 the notification. If, after the expiration of 30 days from the  
15 date of the notification, the person has failed to submit the  
16 necessary remittance, the Department shall automatically  
17 terminate the license or certificate or deny the application,  
18 without hearing. If, after termination or denial, the person  
19 seeks a license or certificate, he or she shall apply to the  
20 Department for restoration or issuance of the license or  
21 certificate and pay all fees and fines due to the Department.  
22 The Department may establish a fee for the processing of an  
23 application for restoration of a license or certificate to pay  
24 all expenses of processing this application. The Secretary  
25 ~~Director~~ may waive the fines due under this Section in

1 individual cases where the Secretary ~~Director~~ finds that the  
2 fines would be unreasonable or unnecessarily burdensome.

3 (Source: P.A. 92-146, eff. 1-1-02.)

4 (225 ILCS 330/37) (from Ch. 111, par. 3287)

5 (Section scheduled to be repealed on January 1, 2010)

6 Sec. 37. Order or certified copy; prima facie proof. An  
7 order or certified copy thereof, over the seal of the  
8 Department and purporting to be signed by the Secretary  
9 ~~Director~~, shall be prima facie proof that:

10 (a) the signature is the genuine signature of the  
11 Secretary ~~Director~~;

12 (b) the Secretary ~~Director~~ is duly appointed and  
13 qualified; and

14 (c) the Board and the members thereof are qualified to  
15 act.

16 (Source: P.A. 91-357, eff. 7-29-99.)

17 (225 ILCS 330/40) (from Ch. 111, par. 3290)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 40. Temporary suspension of a license. The Secretary  
20 ~~Director~~ may temporarily suspend the license of a Professional  
21 Land Surveyor or Land Surveyor-in-Training without a hearing,  
22 simultaneously with the institution of proceedings for a  
23 hearing under Section 29 of this Act, if the Secretary ~~Director~~  
24 finds that evidence in his possession indicates that a

1 Professional Land Surveyor's or Land Surveyor-in-Training's  
2 continuation in practice would constitute an imminent danger to  
3 the public. In the event that the Secretary ~~Director~~  
4 temporarily suspends the license of a Professional Land  
5 Surveyor or Land Surveyor-in-Training without a hearing, a  
6 hearing by the Board must be commenced within 30 days after  
7 such suspension has occurred.

8 (Source: P.A. 86-987.)

9 (225 ILCS 330/43) (from Ch. 111, par. 3293)

10 (Section scheduled to be repealed on January 1, 2010)

11 Sec. 43. Violations. A person is guilty of a Class A  
12 misdemeanor for a first offense, and guilty of a Class 4 felony  
13 for a second or subsequent offense, when he or she commits any  
14 of the following acts: ~~Each of the following acts constitutes a~~  
15 ~~Class A misdemeanor for the first offense and a Class 4 felony~~  
16 ~~for a second or subsequent offense.~~

17 (a) The violation of any provision of this Act or its  
18 rules.

19 (b) The making of any willfully false oath or affirmation  
20 in any matter or proceeding where an oath or affirmation is  
21 required by this Act.

22 (c) Obtaining or attempting to obtain a license or  
23 registration by fraud.

24 (d) Using, or attempting to use, an expired, suspended, or  
25 revoked license or certificate of registration or the license,

1 certificate of registration, or seal of another, or  
2 impersonating another licensee or practicing land surveying  
3 while one's license is expired, suspended, or revoked.

4 (e) Use of the title "Professional Land Surveyor", or "Land  
5 Surveyor", or the abbreviation "P.L.S." or "L.S.", or any words  
6 or letters indicating that a person is a Professional Land  
7 Surveyor, by any person who has not received a license to  
8 practice as an Illinois Professional Land Surveyor.

9 (f) If any person, sole proprietorship, professional  
10 service corporation, limited liability company, corporation or  
11 partnership, or other entity practices as a professional land  
12 surveyor or advertises or displays any sign or card or other  
13 device that might indicate to the public that the person or  
14 entity is entitled to practice as a professional land surveyor,  
15 or use the title "professional land surveyor", or any of its  
16 derivations unless the person or entity holds an active license  
17 as a professional land surveyor or registration as a  
18 Professional Land Surveying Firm in the State; then, in  
19 addition to any other penalty provided by law, any person who  
20 violates this subsection (f) shall forfeit and pay to the  
21 Design Professionals Administration and Investigation Fund a  
22 civil penalty in an amount determined by the Department of not  
23 more than \$10,000 ~~\$5,000~~ for each offense.

24 (g) The practice, attempt to practice, or offer to practice  
25 land surveying, without a license as a Professional Land  
26 Surveyor or registration as a Professional Land Surveying Firm.

1 Each day of practicing land surveying, or attempting to  
2 practice land surveying, and each instance of offering to  
3 practice land surveying without a license as a Professional  
4 Land Surveyor or registration as a Professional Land Surveying  
5 Firm constitutes a separate offense.

6 Criminal fines and penalties shall be deposited in the  
7 treasury of the county in which the violation occurred and  
8 administrative fines shall be deposited in the Design  
9 Professionals Administration and Investigation Fund.

10 All fines ~~and penalties~~ under Section 27 shall be deposited  
11 in the Design Professions Administration and Investigation  
12 Fund.

13 (Source: P.A. 88-428.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.".